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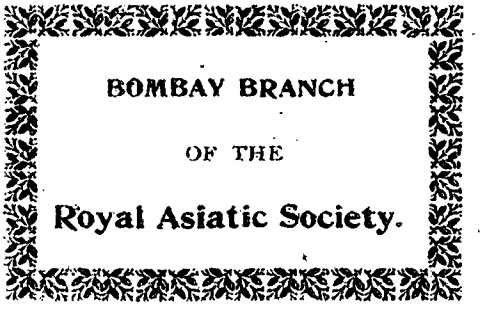

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THE

HISTORY OF THE SUFFERINGS

OF THE

CHURCH OF SCOTLAND

FROM THE

RESTORATION TO THE REVOLUTION

BY THE

REV. ROBERT WODROW

MINISTER OF THE GOSPEL AT EASTWOOD.

WITH

AN ORIGINAL MEMOIR OF THE AUTHOR, EXTRACTS FROM HIS CORRESPONDENCE, A PRELIMINARY DISSERTATION, AND NOTES,

BY THE

REV. ROBERT BURNS, D.D. F.A.S.E.

MINISTER OF ST GEORGE'S, PAISLEY; AUTHOR OF HISTORICAL DISSERTATIONS ON THE POOR OF SCOTLAND; TREATISE ON PLURALITIES, ETC.

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ASIATIC SOCIETY

JOHN MAITLAND,

DUKE OF LAUDERDALE.

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Published May 23, 1828, by Blackie, Fullarton & Co. Glasgow,
& A. Fullarton & Co. Edinburgh.

ADVERTISEMENT BY THE PUBLISHERS.

THE character of "The History of the Sufferings of the Church of Scotland," by the Reverend and Venerable Robert Wodrow, is so universally known and so fully established, as to render any eulogium upon its merits altogether superfluous. Perhaps no history ever gave a more complete view of the period, nor, in most instances, a more graphic description of the events which it professed to embrace. Possessing, at once, a fulness of detail that has left little to be supplied, and an accuracy with regard to matters of fact that during the lapse of a century has never been successfully called in question, it has always been regarded as the grand depository of those maxims of justice and of truth which the invincible band of Scottish Patriots, Confessors and Martyrs, watered with their blood, and consecrated with their dying breath, as the unalienable inheritance of their posterity. From this work, since the era of its publication, as from a common source, have been drawn all the more respectable narratives respecting the men of those times; and to the information it contains, the most diligent compilers have been able to add almost nothing.

The first and only edition of this invaluable work appeared in 1721—22, in two large folio volumes; and it is now entirely out of print. The present edition, while in respect of typography and convenient size, it is vastly superior to the original one, is printed from it word for word, nothing being either added or omitted; only, the original papers which in that edition form so many appendixes to each volume, are in this, printed at the foot of the pages to which they refer, and this has been done principally for the advantage of the reader in the way of easy reference. Typographical and other errors, in the names of persons and places, particularly, have been corrected; and the "additions and amendments" inserted by the author at the beginning of his second volume, have been inserted in the places to which they severally belong. A few notes are added, partly original, and partly selected from cotemporary authors, and others of a later date, to which Wodrow could not be supposed to have access. In these, brevity has been studied, and nothing has been hazarded either in the way of original remark or quotation, that did not seem necessary for the purposes of historical evidence and illustration.

The interesting "Memoir" of the author has been drawn up by the Rev. Dr. Burns of Paisley, a gentleman, whose literary talents, access to the author's unpublished manuscripts, and opportunities of communication with the surviving branches of his family, eminently qualified him for the task. To this Memoir are appended some valuable specimens of the Correspondence of Wodrow, from original MSS. These form a very appropriate and pleasing introduction to the History.

There has been lately published in London a new and improved edition of the works of Archbishop Leighton, preceded by a Life of the Author, by the Rev. John Norman Pearson, A. M., a clergyman of the Church of England, who now holds, we believe, the important situation of Principal to the Church Mission College. In that publication, Mr. Pearson, has been pleased to characterize Mr. Wodrow as "a *disingenuous Historian*," and has in various instances given what we consider an unfair representation of the Covenanters and their times. We trust that the PRELIMINARY DISSERTATION to this work, by Dr. Burns, will be found to contain a sufficient vindication of Wodrow and the Covenanters; and we request the attention of Mr. Pearson and his readers to the following TESTIMONIES in favour of Wodrow: the reader will perceive that they are *not all Presbyterians* who so favourably characterize his work.

Mr. Chalmers, the learned author of the Biographical Dictionary, says of it: "It is written with a fidelity that has seldom been disputed; and confirmed, at the end of each volume, by a large mass of public and private records."

Says Mr. Dibdin, whose accurate knowledge of books has been rarely equalled: "I proceed not only to the notice, but to the *strong recommendation* of Wodrow's History of the Sufferings of the Church of Scotland. Considering that these volumes have long richly deserved republication, one is surprised that so valuable a work in so repulsive a garb (for it is most wretchedly printed) has been suffered to remain without improvement."

Dr. Robert Watt, the laborious and learned author of the Bibliotheca Britannica, says of Wodrow's History, "This History is written with a fidelity seldom equalled."

Mr. Fox, in his History of the Early Part of the Reign of James II., thus expresses himself: "No historical facts are better ascertained than the accounts of them which are to be found in Wodrow. In every instance where there has been an opportunity of comparing these accounts with the records, and other authentic monuments, they appear to be quite correct."

Among modern writers of distinguished eminence we have to quote the sentiments of Dr. M'Crie, author of the Lives of Knox and Melville, &c. as stated in a letter to the Rev. Dr. Burns:—"You are too well acquainted with my opinion of Mr. Wodrow's valuable History of the Sufferings of the Church of Scotland, to make it necessary for me to say any thing on that head. It gave me great satisfaction to hear that a new Edition of the work, in a more portable form, and at a moderate price, was about to be printed at Glasgow. I have just seen the first Number of that edition, and am much pleased with its neatness, and, so far as I have examine it, with its correctness. The information that you have agreed to superintend the publicatio is to me all the pledge which I could desire for the accuracy with which it will be execut Accept of my best thanks for the pleasure I have derived from reading your interesting Mer of the worthy Author, which, together with the selections from his original Letters, n prove an acceptable and most appropriate addition to the work.

"THOMAS M'CRIE, D.D.

"*Edinburgh, 26th March*, 1828."

We have also been favoured with the following testimony from the Rev. Dr. Cook, the eminent historian of the 'Reformation,' and of the 'Church of Scotland:'—"From a very careful examination of Wodrow's History of the Sufferings of the Church of Scotland, to which I was led in the prosecution of my own historical researches, I can, with confidence, state, that it is a most valuable work. It comprehends a period deeply interesting; and the industrious and highly intelligent Author has not only, with great clearness, and often with much feeling, detailed the sad events which it was his province to record; but he has collected an immense number of precious documents which are now nowhere else to be found, and which throw great light upon the opinions and manners of the age with which they are connected. As the work had become so scarce as to be inaccessible to the generality of readers, the republication of it is, in my opinion, an essential service to the public.

"GEORGE COOK, D.D.

"*28th February*, 1828."

We shall close this series of testimonies with one which has been politely presented to us by the Rev. James Kidd, D. D. Professor of Oriental Languages in Marischal College, Aberdeen:—"The interval from 1660 till 1688 is not exceeded in interest by any other in the Annals of our country. The public affairs of this period, both in Church and State, are the most momentous that Scotland ever saw. To the struggles of our Protestant forefathers, during this time, we owe almost all the liberty and light which we now enjoy; while the ruinous tendency of the interference of wicked men with the affairs of the Church of Christ appears very evident, in the conduct of the rulers of Britain in those eventful times.

"Wodrow, the distinguished Historian of this period, is pre-eminently careful in search of truth, wherever it can be found; he writes like a man who witnessed every circumstance which he relates, and his descriptions are given with singular accuracy and unadorned simplicity. The subtilty and perfidiousness of Archbishop Sharp are related with a plainness that indi neither hatred nor asperity on the part of the writer; while the tale is so recorded, awakens all the sympathies of the reader's heart for the hapless victims of persecution. Ind were there nothing to recommend Wodrow's History but his description of the behavio the Marquis of Argyle and the Rev. Mr. James Guthrie, the Work ought to be posse and read by every true Presbyterian, and by all to whom the memory of the coven tes cause is dear.

"Such are the subjects which comprise the records of this interesting History. The edition now offered to the public is the cheapest ever published, and I account it a privilege to recommend to my fellow-citizens and countrymen this faithful Narrative of the Sufferings of the Church of Scotland.

"JAMES KIDD, D.D. F.R.A.S.

"*Aberdeen, January 25th*, 1828."

We hope the *plates* in this edition will be considered as a valuable appendage. They are all derived from the most authentic sources, and are executed in the best style. We have been exceedingly anxious to obtain a true portrait of the historian himself; but after a laborious search among the descendants of his family still in Scotland, we have been disappointed in our wishes. It is *not impossible* that such a thing may be in the possession of those descendants of the family now in America and who have been written to on that point: if so, our readers shall be favoured with it so soon as it reaches us.

Glasgow, May 20th, 1828.

THE

HISTORY

OF THE

SUFFERINGS

OF THE

CHURCH OF SCOTLAND.

BOOK SECOND.

FROM PENTLAND TO BOTHWELL-BRIDGE.

1666. THE condition and circumstances of suffering presbyterians, it must be owned, alters a little under this period, from what it was during the former. For near six years after the restoration, that body of religious and loyal Scotsmen, underwent as much oppression and injustice, as would have put any almost but themselves, upon quite other methods than they took. Their legal securities for their reformation, and religious rights, were removed, their civil liberties taken away, their ministers scattered, and a company of men forced into their churches, whose practice and morals, as well as their doctrine, made them public nuisances. The prelates are brought in to lord it over their consciences; piety and serious religion is openly discountenanced, and all its followers almost put under the cross: in short, a very barbarous military execution is made use of, to force all down their throat; and all liberty of petitioning and addressing against those evils, is discharged under the highest pains. Yet presbyterians silently bear all, and groan and mourn in secret, waiting and hoping, that Providence would open some door or other for their relief; and humbly praying, that the cry of their oppression might come up to heaven, and the Lord would please to appear in their behalf. Their adversaries themselves being judges, nothing hitherto of rebellion or disloyalty can be laid to their charge; yea, it may be affirmed, that scarce a greater instance of patience and moderation, can be given in any party in Britain. With the greatest temper they bore the most arbitrary finings, with the illegal and military exaction of them; the outing and confinement of their worthy ministers; the calumnious and invidious declarations, that their worshipping God was sedition, and the bitter prosecution, even unto death, of some of the best of their nobility, gentry, and ministers. Under all this they offered not to stir, till abused with military violence; and even then, only sought redress of these grievances from their persecutors, whom they owned as lawful magistrates. True it is, they petitioned in arms; but then it was under a government, where petitioning, as well as defensive arms, were discharged as seditious. How little reason the advocates for passive obedience have, to charge presbyterians with the guilt of rebellion, and resisting the king, in this period I am now entering upon, will best appear from the true and unbiassed accounts of matter of fact, now to be given;

1666. where it will be evident, the rising which ended at Pentland, was both a plain fruit of the horrid oppression of the country, and a gathering in arms merely for self-defence, at first neither premeditated nor designed; and all they had in view was a fair and just hearing of their grievances, as to their religious and civil concerns. I shall then begin this book with an account of that successless attempt for these good ends which is best known by its name, taken from its tragical end at Pentland.

CHAP. I.

AN ACCOUNT OF THE RISING AT PENTLAND, AND THE SUFFERINGS FOLLOWING THEREUPON, 1666.

As far as I know, there hath been no full and distinct narrative of this business published as yet to the world; and therefore I shall be the larger in mine, and touch at some things which preceded this rising, and fell out the former part of this year. Then I shall essay as particular a relation as I can, of the rising itself, in its beginnings, progress, and dispersion, and end this chapter with as distinct accounts, as I can now give at this distance of time, of the persons put to death upon this score, and their carriage and Christian behaviour, waving very much what hath been already published to the world upon those heads.

SECT. I.

An account of the state of affairs during that part of the year 1666, *immediately preceding the rising at Pentland.*

In the former book I have brought down the accounts of the state of this church, to the end of the year 1665, and one would think matters are so managed this year following, as if there had been a formed design to force presbyterians into violent measures and by oppression to make them mad.

An act of council, December last, was hinted at, which I may here take in, as the occasion and foundation of some of the smaller branches of trouble not a few fell under this year. Beside the two severe proclamations already noticed, which were emitted December 7, 1665, I find another act in the registers, of the same date, which they term commission for discipline; and I insert it here.

"The lords of his majesty's privy council, considering how necessary it is for suppressing sin and disorder, that some fit persons be assisting to the minister in every parish, in the exercise of discipline; do therefore recommend to the several ministers of this kingdom, that they make choice of such a number as they shall think meet, of the most grave, sober, and discreet persons within the parish, to be assisting unto them in the exercise of discipline: commanding all persons, who shall be required by the ministers for that effect, to give their ready concurrence and assistance, as said is. And in case of refusal or delay, that the minister, after he hath acquainted the bishop of the diocese therewith, and has received his order, require, or cause require them to make their appearance before the brethren of the exercise; and in case they refuse, or delay to compear, or compearing refuse to give their assistance, as said is, that the brethren of the exercise present their names to the bishop of the diocese, to be by him transmitted to the lords of his majesty's privy council, to the intent they may be proceeded against, according to their demerit, and as the case requireth. And for the better maintenance and supply of the poor, they recommend to the minister of every parish, and those assisting him in the exercise of discipline, where any such are or shall be, that they be careful to collect, and uplift the fines and penalties, formerly used to be uplifted by kirk-sessions, from scandalous persons."

Several very obvious reflections will offer themselves to the reader, from this act of council: the necessity and usefulness of that officer of Christ's institution in the Christian church, the ruling elder, very much opposed by the prelatists, is tacitly acknowledged, and a kind of equivalent is here erected, at the request of the prelates, though every way, like themselves, a creature of the civil power. Here is likewise a direct attempt upon our

Redeemer's prerogative, in bringing in new officers of their own framing, as assistants in discipline, one of the keys of the kingdom of heaven: and they are not pitched upon *consentiente plebe sacra*, according to the primitive institution of these representatives and overseers of the Christian people, but to be pitched upon by the minister; and every one who refuseth, is to be forced into this work by the secular power of the privy council. Which brings me to add, that the refusing to join with the curates in discipline, was matter of much suffering to presbyterians. I could make it evident, that, in several places, gentlemen and others were pitched upon, and the episcopal minister is not tied up from any by the act, not from any desire that they should join with them, but with an eye to bring them to trouble. They knew real presbyterians would never fall in with them; for it had been a renouncing of their principles, and falling in with the prelatical constitution. It is plain the act of council orders a kind of ordination by the prelatical presbytery; and a subjecting unto this was a sort of incorporation with the hierarchy, and a great deal more than a simple presence at ordinances dispensed by the curates; and some who submitted to the last, choosed to suffer before they would do the first. In the former book, some instances of persecution upon this account, have been pointed at in the laird of Aikenhead's case, and that of others; and I might now add James Maxwel of Williamwood, whose sufferings will come to be narrated in the progress of this history. A few more instances of hardships upon this head, may suffice in a case that was very general.

Even before this act was made, in the year 1664, John Corsbie in Easter-cotes, in the parish of Cambuslang, was required by Mr. Cunningham incumbent there, to assist him in discipline; and when he refused, upon the general laws about conformity, and encouragement of orthodox ministers, he was summoned before the council; and, upon his noncompearance, was harassed by messengers, with caption against him, for many months, and forced to hide, and frequently to withdraw from his own house. Robert Hamilton in Spittal, in the same parish, was this year, 1666, persecuted on the same account; and from this to Bothwell bridge, he could scarce keep his own house with safety. He was put to the horn, and his house frequently searched and spoiled. William Alexander and William Baird in Drips, in the parish of Carmonnock, were fined in an hundred pounds each, because they would not assist the curate in discipline, in the parish of Cathcart. Gasper Tough in the parish of Kilmarnock, was much troubled upon the account of his refusal to join with the curate there. In the same town, Andrew Taylor, wright, was fined in twenty merks, upon the same score. 1666.

It was upon this account, amongst other things we have heard already, that the laird of Aikenhead, with some other gentlemen, were confined to Inverness, Elgin of Murray, and other places, at a vast distance from their houses and families. And it may not be amiss here to take notice of a letter, a copy of which lies before me, from Mr. John Paterson bishop of Ross, to his son, afterwards archbishop of Glasgow, then minister at Edinburgh. It is dated this year, without the month. The bishop, among other things, desires his son "to acquaint my lord St. Andrews, that he looks upon the temper of the country about him to be very cloudy like. He complains of a friendship made up between Seaforth and Argyle, and of a change in many who pretended to be friends to prelacy when it was set up. He adds, that it is certain the westland gentlemen, who are confined to Elgin and Inverness, have done more evil by their coming north, by two stages, than they could have done in their own houses: they have alienated the hearts of many who were of another principle before; they have meetings with our great folks, adds he, and are better respected nor any bishop in Scotland would be. He begs these gentlemen may be recalled, that they spread not their infection any more; and adds, they are the staple of intelligence between the west and north, among the fanatic party; and desires, that the primate may be acquainted of this, and make his own use of it, without his being seen in it." This letter discovers to

1666. us, that these hardships put upon presbyterians, were ordered in providence for the good of their common interest. I have many a time heard it observed, that Mr. Bruce, Mr. Dickson, and others, their confinement in the north, during the former times of prelacy, was no service done to the prelates: and those gentlemen's confinement, and that of several ministers since the restoration, was of no small use to the interests of liberty and presbytery there; and the good effects of their confinement are not yet at an end, and I hope never shall.

As this council commission about discipline was matter of trouble to not a few presbyterians, so the other proclamations emitted with it formerly, were a continuing fund of distress to the ministers lately turned out. Thus I find, towards the end of January, at the instigation probably of the bishop of Galloway, the council direct letters against the reverend Mr. John Welsh, Mr. Semple, Mr. Blackader, and others. And that the reader may see the grounds they went upon, and know the form of these public citations, which in a little time turned very common, I shall give them here from an original before me.

"Charles, &c. To our lovits, &c. greeting. Forasmeikle as it is humbly meaned and shown to us by Sir John Nisbet of Dirleton knight, advocate for our interest, and Sir William Purvis our solicitor, agent for church affairs, that where, notwithstanding of several laws and acts of parliament, the assembling and convening our subjects without our warrant, is prohibited and discharged, as a most dangerous and unlawful practice, under the pains against such as unlawfully convocate our lieges; and that conventicles and unwarrantable meetings and conventions, under pretence and colour of religion, and exercise thereof, being the ordinary seminaries of separation and rebellion, are altogether unlawful; and by several acts of parliament and privy council, prohibited and discharged; by the 1st act of the 3d session of the late parliament, it is declared, that the withdrawing from, the not joining with the public ordinary meetings for divine worship, is to be counted seditious; by an express clause of the said act, all such ministers as have not obtained presentations and collations conform thereto, and all such as would be suspended or deprived, and yet should dare to presume to exercise the ministry, are to be punished as seditious persons: likeas, divers acts of parliament, viz. the 134th of our grandfather James VI. of worthy memory, parl. 8th, it is statute and ordained, that no person of whatsomever function, or degree, or quality, shall presume to take upon hand, privately or publicly, in sermons, declamations, or familiar conferences, to utter any scandalous speeches to the reproach of us, our privy council, and proceedings; or to meddle with the affairs of state, or to deprave our laws and acts of parliament or council, or to traduce or reproach our royal estate and government, under the pains contained in the acts of parliament against makers or tellers of leasings. And by the 1st act of our royal grandfather king James, parl. 8th, Mr. George Buchanan his book (*De Jure Regni*) is condemned, as containing sundry offensive matters worthy to be delete; and the havers of the said book are ordained to bring in and deliver the same, under the pains therein mentioned: nevertheless, true it is and of verity, that the persons after mentioned, viz. Mr. John Welsh late minister at Irongray, Mr. Gabriel Semple late minister at Kirkpatrick of the Muir, Mr. John Blackader late minister at Traquair, Mr. Robert Archbald late minister at Dunscoir, Mr. Samuel Arnot late minister at Kirkpatrick Durham, Mr. John Douglas late minister at ———, Mr. Alexander Pedin late minister at ———, Mr. William Reid late minister at ———, Mr. John Wilkie late minister at ——, Mr. John Crookshanks and John Osburn in Keir, having been formerly ministers at the respective places above mentioned, and not having obtained lawful presentations and collations, conform to the said act of parliament; and they or either of them being suspended or deprived, at least pretending to be ministers, and not authorized and lawfully admitted by public authority, to any charge within this kingdom, at least being persons disaffected to our royal authority and government, and the government of the church as it is now established by law; and

in main contempt of our authority, and the laws and acts of parliament foresaid, have, and yet do still presume to keep conventicles and private meetings, and presume to preach, and in their sermons and conference traduce, reflect upon, and declare against authority, and the government civil and ecclesiastical, as it is established by law in church and state; and do not only withdraw from the ordinary and public meetings for divine worship, but do most seditiously, by their practice and example, and by their speeches and discourses, seduce, and endeavour to withdraw others from the same. And particularly the said Mr. John Welsh does presume frequently, at least once every week, to preach in the parish of Irongray, in the presbytery of Dumfries, and himself, and these who frequent his conventicles, do convene together, armed with swords and pistols; at the which meetings he also baptizes children that are brought to him by disaffected persons; and at some times he comes into the sheriffdom of Ayr, especially at the latter end of July last, and did keep a conventicle at Galston Muir, where he baptized many children, namely, a child of Andrew Boyes merchant in Kilmarnock, and of Alexander Mitchel. ——— Likeas, the said Mr. John did keep another conventicle at Shirraland in Plimnick parish, about the 1st of November last, where he baptized the children of James Mowat in Kilmarnock, John Claig in Dibland, James Gall, and many other persons. As also, upon the 11th of July last, he kept another conventicle in the same place, where he baptized the children of John Chalmers, John Dickie, and David Currie. And also the said Mr. Gabriel Semple did keep a conventicle at Achmannock, where, amongst many others, he baptized a child to John Guthrie in the parish of Newmills; and siklike, kept another conventicle at Labrochhill, in October last; as also does frequently ride to the country in disguise, with sword and pistols, and calls at the houses of disaffected persons, to see what children there is to be baptized, and so appoints a place for their meeting: and this he does, not only in the sheriffdom of Ayr, but also in many places of the shire of Nithsdale, within the stewartry of Kirkcudbright. 1666. Also, the said Mr. John Blackader has ofttimes convened great numbers of the parish of Glencairn, and the neighbouring parishes, sometimes to the number of a thousand and upwards, and continues so to do every Lord's day; at which meetings he frequently baptizes the children of all disaffected persons. And siklike, the said Mr. Robert Archbald does frequently keep conventicles and meetings in several places, and thereat did baptize children. As also, the said Mr. Alexander Pedin did keep a conventicle at Ralston, in the parish of Kilmarnock, about the 10th of October last, where he baptized the children of Adam Dickie, Robert Lymburner, and many others; as also kept a conventicle in Craigie parish, at the Castle-hill, where he baptized the children of William Gilmor in Kilmarnock, and Gabriel Simpson, both in the said parish, and that besides twenty-three children more; both which conventicles were kept under cloud of night, with a great deal of confusion: as also the said Mr. Alexander rides up and down the country with sword and pistols, in gray clothes. And also, the said Mr. John Crookshanks does not only frequent, keep, and hold conventicles, contrary to the foresaid laws and acts of parliament, but does avowedly keep by him that book called Buchanan *De Jure Regni*, which he has translated out of Latin into English, intending thereby to infuse and poison the people with treasonable and seditious principles, contained in the said book. As also, the said John Osburn does presume to take upon him to be an officer for giving notice to the people of the said unlawful meetings, and accordingly, from time to time, doth acquaint them herewith. By which whole deeds, generally and particularly above written, the said persons, and each one of them having incurred the pains and penalties prescribed by the laws and acts of parliament above specified, which ought and should be inflicted upon them, to the terror of others to commit the like in time coming: our will is herefore, and we charge you straitly, and command, that incontinent, thir our letters seen, ye pass, and in our name and authority command and charge the persons particularly

1666. above complained upon, at the market cross of Kirkcudbright, Dumfries, market cross of Edinburgh, pier and shore of Leith, in regard they are latest, and keep themselves out of the way, that they may not be apprehended, and have no certain constant residence or dwelling, but do travel and walk up and down the country from place to place; to compear personally before the lords of our privy council, at Edinburgh, or where it shall happen them to be for the time, the —— day of —— to answer to the premises, and to hear and see such order taken thereanent, as appertains, under the pain of rebellion, and putting of them to the horn: with certification if they failzie, our other letters shall be direct, to put them simpliciter thereto. And siklike, that ye charge the witnesses under written, not exceeding the number of ten persons —— to compear personally before our said lords, the said day and place, to bear leel and soothfast witnessing, in so far as they know, or shall be spiered at them, in the foresaid matter, under the pain of rebellion; with certification to them in manner above written. The whilk to do we commit to you conjunctly and specially our full power, by thir our letters, delivering them by you duly execute, and indorsed again to the bearer. Given under our signet, at Edinburgh, the 25th day of January, and of our reign the 18th year, 1666.

"Ex deliberatione dominorum secreti concilii,

"PET. WEDDERBURN."

Those letters were formed upon informations taken at random, and therefore must not be reckoned proof of matters of fact advanced in them; and what I remark here would be carried along by the reader, to many of the general charges against suffering ministers, and others which follow: such of them as could with safety appear, disproved most of what was informed against them. In the case before us, I only notice, that it was a falsehood here insinuate, that Mr. Welsh, or any of those reverend ministers preached or declared against the king's authority. Such declarations were yet strangers in Scotland for many years! when and how they came in, will afterwards come to be declared.

About this time the council come to some good resolutions against quakers and papists, who, as hath been observed, increased mightily since the overturning of presbyterian government in this church. We have seen, that a good while ago orders had been given about them, and letters writ to the bishops; and, February 1st, the council agree to the report of the committee made that day, and renew their appointments on the clergy. The substance of what I find in the registers, is, "that excommunicate quakers be proceeded against conform to acts of parliament: that in order to a libel's being formed against Andrew Robertson, and Anthony Haggat, quakers in prison, orders be direct to such ministers as can bring in information against them, to bring in the same to the king's advocate; and that particularly Mr. Thomas Donaldson bring what informations, writings, books, or papers they have anent the said quakers, or any others: that —— Radburn, and Charles Ormiston, merchants in Kelso, be brought in prisoners to Edinburgh."

"As to papists, that the laws and acts made against them be put in execution; and in order thereto, that a list of the whole papists be taken up by the minister in every parish, and an account given who are excommunicate, who not, who have interest in the parish, and who are vagrant and trafficking papists; that the lords archbishops recommend it to the bishops, that they cause the minister of every parish, or moderator of the presbytery where churches are vacant, to send in their lists with all diligence: that the magistrates of Edinburgh search after any meetings kept by papists in Edinburgh, Canongate, or any of their liberties, and delate their names to the council: that a list of all excommunicate papists be given to the lords of session, that they may affix in the most patent place a roll of their names, that they may be debarred from defending or pursuing any cause before them."

All this, as far as I can find, came to nothing; quakers and papists still increased, and it was only presbyterians whom the

clergy were in earnest about, during this reign, and they are borne down with the greatest violence. Thus, upon the 8th of February this year, the council emitted a proclamation against a book published by one of the banished ministers in Holland last year, intituled, an "Apologetical Relation of the Particular Sufferings of the Faithful Ministers and Professors of the Church of Scotland, since August 1660." I have added it in a note.* This book is ordered to be burnt by the hand of the hangman, in the High Street of Edinburgh. All who have any copies are ordered to give them up to the next magistrate by such a day; and after that, if any have them in their possession, they are to be fined in two thousand merks. This method, now so common, did not answer the end proposed, for people ran the more greedily after such prohibited books; but the managers who could not permit their evil works to be brought to the light, and were not in case to answer plain matter of fact, had no other way but this of the papists left them.

The same day I find ——— Ramsay, relict of the reverend Mr. James Guthrie, and Sophia Guthrie her daughter, are brought before the council, merely because the foresaid book was found in their custody, although as yet no law was against it; and one needs not wonder they should have a book in their hands, which gives so just an account of so near a relation of theirs as Mr. Guthrie. Upon their refusing to declare upon oath, what they knew as to the author of the book, and to discover from whom they received it; the council sentences them both to be sent to Zetland, there to be confined during pleasure, and to be kept close prisoners till they were sent there. The next council-day, March 2d, I find the members so sensible of the harshness of this sentence, that upon a petition presented from those two gentlewomen, craving their confinement may be altered to some place upon the continent, the matter is referred to the commissioner, to do as he finds cause. 1666.

In the beginning of this year, presbyterian

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* *Proclamation against the Apologetical Narration, February 8th*, 1660.

The lords of his majesty's privy council, considering that by divers ancient and laudable laws and acts of parliament, and particularly the 10th act, 10th parl. the 134th act, 8th parl. of king James VI. of blessed memory, and by several other laws and acts, the authors, printers, venters, or disposers of infamous and scandalous libels, are punishable by death, confiscation of moveables, and divers other high pains and punishments; and the said lords being informed, that there has been a pamphlet, of the nature foresaid, imported, "an Apologetical Narration of the Suffering Ministers of the Kirk of Scotland, since August 1660," which is printed and dispersed into several parts of this kingdom; and upon examination and perusal thereof, is found to be full of seditious, treasonable, and rebellious principles, contrived of purpose to traduce the king's authority and government, the proceedings of the late parliament, and the king's privy council, contrary to the truth of the protestant religion, as it is profest within this kingdom, and established by law; and thereby to seduce the lieges from their allegiance and obedience, and to strengthen the disaffected in their rebellious principles, tenets, and practices. Therefore, and to vindicate the honour of this kingdom, and to witness and declare, that such principles and tenets, as are contained in the said pamphlet, are detested and abhorred by them, as treasonable and seditious, and are contrary to the laws of this kingdom, and destructive to the king's authority and prerogative royal, under which this kingdom hath flourished for many ages, and that they may show how much they abominate such tenets and principles, they ordain that upon the 14th day of February instant, the said pamphlet be publicly burned on the High Street of Edinburgh, near to the market-cross, by the hand of the hangman; and that all havers of any of the said pamphlets, residing besouth the water of Tay, shall bring in and deliver the same to the sheriffs of the respective shires, or their deputes, to be transmitted to the clerk of privy council by them, betwixt and the last day of February instant; and benorth the said water, betwixt and the 21st day of March next: with certification, that if hereafter any person of whatsomever degree, quality or sex they shall be of, shall have any of the said printed copies in their custody or possession, that they shall be liable in payment of the sum of two thousand pounds Scots money, to be exacted without any favour or defalcation. And further, if they or any other person shall be found hereafter to be contriver, abetter, or assister to the making up, printing, publishing, or dispersing of the said seditious pamphlets, that they shall be proceeded against as authors, printers, importers, venters, or dispersers of seditious and infamous libels, and all pains and penalties made against them, shall be inflicted without mercy; and ordain the magistrates of the town of Edinburgh, to cause burn one of the copies of the said pamphlets, in manner foresaid; and these presents to be forthwith printed and published at the market-cross of Edinburgh, and other places needful, that none pretend ignorance.

1666. ministers had some connivance, and were permitted to live in their hired houses, when turned out of their livings. The call of the importunate multitude, was not yet so great as afterwards, and generally they only preached to their own families, and a few neighbours who now and then stole into their houses. Field preachings, unless it were in some few places in the south, where the people would not hear the curates, were but very rare. The meetings of the episcopal ministers in cities and towns, except where they were openly profane and vicious, were as much frequented as they could well expect. Indeed evils grew among them, and their impertinent and reproachful sermons, their open share in the cruelties and oppression, which we shall hear of, with their lewd lives, quickly after this altered matters. At this time, if they could have been satisfied with the numbers of hearers they had, many thought they might have enjoyed their churches longer than they did: but they would have as throng churches, as the presbyterian ministers formerly had; and if regard to their persons and sermons could not procure hearers, it is resolved, terror, force, and fear shall.

Mr. Alexander Burnet, at this time archbishop of Glasgow, was the great manager of the west country persecution, and the better in case for this, that last year he was admitted a privy counsellor. To give every man his due, he was certainly one of the best morals among the present clergy; yet his Simoniacal compact for his regress to his bishopric, after he had been turned out, as we may hear, was but little for his reputation. He was a mighty bigot for the English ceremonies and forms, and as forward to have all the usages of that church introduced to Scotland, as if he had been educated by bishop Laud; yea, to have his fancy pleased with these pageantries, he could have almost submitted to the old claim of the see of York over the church of Scotland. At his first diocesan meeting, he put five or six of his curates publicly in orders after the English pontifical to inure the west of Scotland to these novelties. To make good the remark I formerly made, that imposition in matters of religion goes hand in hand with oppression in civil matters; and prelacy and popery in Scotland, pave the way for slavery: he was so grievous an oppressor of the city of Glasgow, that the greatest malignants, as the friends of prelacy in Scotland were formerly called there, were obliged to protest against his encroachments upon the magistracy in that city. He turned out several of the presbyterian ministers, who had been connived at in their charges before his accession; such as Mr. William Hamilton minister at Glasford, in the shire of Lanark, and others. His underlings, especially those consecrated according to the foreign forms, were vigorous instruments in helping forward his cruelties and oppression of the country; and many of the severities this year, were in the bounds of his archbishopric.

This spring Sir James Turner makes a third visit to the presbyterians in the west and south, and it was the severest visitation they yet felt. Now the curate, with two or three of Sir James's soldiers, fined whom they pleased, and made their exactions as large as they would. Their severities the former years were mostly upon the common people; but now the gentleman must pay, if his lady, servants, or tenants, were not exact in their attendance on the incumbent's sermons. The tenant must be oppressed if his landlord withdrew, though he and his family attended closely. The widow, the fatherless, the old and infirm, are not spared; the poor must beg to pay their church fines. The meat is snatched from the innocent children's mouths, and given to the soldiers' pleasure dogs. Many houses were quartered upon, till all the substance was eaten up, and then the furniture is sold or burnt. Thus multitudes of poor families were scattered, and reduced to the last extremity. If any complained to the officers, of the illegal and barbarous procedure of their soldiers, they were beaten; if to the statesmen, they were neglected. It was said, some of our noblemen at this time, were so far wearied of the merciless methods of the prelates, that they appeared very little careful how odious they rendered themselves. Indeed, if the bishops were formerly hated for their perjury and profaneness, every merciful and ingenuous man now loathed their cruel

and unrelenting temper; and their own practices did them a great deal more hurt than all the field-meetings, and preachings, in houses privately, were capable of doing. In a few weeks the curates and soldiers gathered upwards of fifty thousand pounds Scots from the west country, precisely for their nonconformity. The prodigious sums extorted in the south of Scotland about this time, are set down in Naphtali, and I shall not resume them here: only the reader who hath time to bestow upon those things, will find a letter from a person of good note in the south to his friend at Edinburgh, with an annexed account of the general sums, and particular instances of oppressions. I have some ground to think the paper I have may be an original, taken by a worthy person employed to draw this account from the particular parishes; and so I have annexed it, as that from which the account in Naphtali is perhaps taken.*

Another kind of fines exacted this year, to complete the misery of the poor country, were those imposed by Middleton, in his second session of parliament, of which above: the payment of those was suspended from time to time, till Middleton was turned out. A little after, as we have seen, they were divided into two moieties, and a day assigned for the payment of the first. Some who were able, and well informed of the hazard of delays, paid the first share, and got their discharge; but a good many others did not. At length a proclamation comes out, ordering all to pay the whole fine imposed against the —— day of this present year; and the council remit it to the commissioner the earl of Rothes, to take his own way to collect the fines. His method was this: the troopers of the king's guard are ordered to different parts of the country, especially in the west and south, where most of the fined persons were, with 1666.

* *Letter from a gentleman in Galloway.*

Sir,

Your desire to know the present condition of this afflicted country, hath offered me occasion to procure you some account of the grievous sufferings of several parishes, especially within the stewartry of Galloway, upon the account of not submitting to the government of prelacy, and such preachers as are thrust in upon them by it. Sir, any thing I can say here, is but a hint in comparison of what might be found upon a more full search; yet the little view that is given you here, I suppose is well instructed from the particulars of every family and person who suffered in these parishes, though (for shortness) I have sent you only the sum of the whole in each parish. Truly, Sir, though I be no fanatic, nor favourer of fanaticism, yet I cannot but be deeply affected, not only as a Christian, but as a man and member within this kingdom; for these things that are fallen out here, seem to import, not only the breaking of some of that party called fanatics, but the quite undoing of a considerable part of this kingdom, and putting them out of all capacity to be serviceable in the necessary defence of the rest, against the invasions of a foreign army, when we are so often threatened: for in these bounds generally all men (without difference) are disobliged, and discouraged from doing any service in that sort, if there should be occasion offered, I wish a due impression upon you also, and every one who minds the general good of the land, and chiefly our rulers, upon whom are the managing of affairs under his majesty, that remedy might be found out for preventing the weakening and destroying our own selves, especially now when we are in hazard from our enemies abroad: but it is a sad matter that no man dare represent his grievances or complain of wrongs done to him or his interests, lest he be ill looked on, and put himself in hazard of greater sufferings, as several here have found by sad experience, for complaining to the commanders. The first of these sufferings was begun the year 1663, about mid May, when the forces came into Dumfries and Kircudbright. The second was in the year 1665, when the party, horse and foot, came in under the command of Sir James Turner. The third was in this present year 1666, about the month of March, or beginning of April, when the party came in under the command of the said Sir James Turner, who yet continues in the country. At the first two times, the stewartry of Galloway mainly suffered by them, but in this last expedition, not only Galloway, but also the sheriffdom of Nithsdale hath suffered, (of both which I have sent you a short account here enclosed.) First, as to their grievous exactions from that people, who were but poor before this time, in comparison of other parts. Next, you will find some instances of several of the soldiers' inhuman, and also atheistical deportment, in these bounds. I could have sent you likewise account of many stumblingblocks the people have from their present preachers, whom they call curates, both as to their abrupt entry, and contrary their consent; and as to the light and unsober conversation (of the most part of them) wherever they come, as also their insolent and unbeseeming carriage in pulpit: but I forbear in this, lest I trouble you with tediousness, there are so many instances of this sort; and it is needless, seeing they are so notour to all men in these bounds: only (to make you laugh) I must add one, before I proceed, which is certain. One of these called curates, on a certain Sabbath, inveighing against his people that they did not keep the kirk, he threatened them after this manner, "God nor I be hanged over the balk of that kirk;" and at another time, "God nor I be

1666. lists of those from whom they were to uplift such and such sums. The gentlemen of the guard were commanded to take free quarters in the houses of all in their lists, till they had paid to the utmost farthing. With these severe orders, a new snare was added further to corrupt the country; any who would take the oath of supremacy, and

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hanged over this pulpit, but I shall gar you all come in from the highest to the lowest." By these things, you may easily guess if these men be fit to travel in the weighty work of the ministry, or that they can either gain love or authority among the people, for all the business that is made to bring them to subjection. Sir, I hope you will not question but I am a lover of his majesty's interest, and the country's good, having giving some proof of this in former times; but considering the carriage of these men, and of them who are employed at this time to bring the people to conformity, I am far mistaken if either the one or the other be fit instruments for persuading others to their duty either to God or man; yea, I am apprehensive that the way which is taken, shall prove a mean of strengthening that people in their former principles, and rendering episcopacy, bishops, and such preachers, more hateful to them than ever before, rather than bring them to a cheerful submission; and others who shall hear of the very deplorable case of this country, cannot but be induced both to compassionate them, and also grow in more dislike of the course now carried on. And to speak the truth, it seems, there could not have been a more expeditious way found out for weakening that cause of conformity, and strengthening that cause of those who now suffer; yea, I dare say, it hath done as much to this purpose, if not more, than all the preachings on the hills and in houses, by the casten out ministers. This people are weakened in their estates indeed, but confirmed in their opinion. It is palpable that the intended conformity cannot be gained by such extreme dealing, but rather marred; and will not the report of this rigid dealing, (which cannot be hid) have influence upon all those of their judgment, to alienate them the more from the course? I confess, this consideration is like to have little weight with some covetous soldiers, (employed here) assuming to themselves an arbitrary power to prey upon a desolate people for their own private gain: but I expect that judicious and unbiassed men, who tender the good of the country, and his majesty's interest therein, will lay this to heart, and take their best way to represent it to our rulers, for remedy in the matter, and moving their compassion toward a poor people, that have few to speak for them. Sir, I shall detain you no longer from reading this enclosed relation, but tendering my respects to your wife, I rest,

Sir,

Your humble servant.

Follows that brief relation of this country's sufferings, which I promised you in my letter, wherein this is enclosed, in which you have set down, 1. The enumerate sums of money. 2. Some general aggravations. 3. Some particular instances.

1. The parish of Carsfairn, forty-nine families, in that called Kirk-fines, has suffered the loss of	L.	4,864	17 4
2. In the parish of Dalry, forty-three families,	L.	9,577	6 8
3. In Balmaclellan, forty-nine families,		6,430	10 4
4. In the parish of Balmaghie, nine families,		425	11 8
5. In Tungland parish, out of two or three poor families,		166	12 8
6. In Twynam parish, from some poor persons,		81	4 0
7. In Borg parish, out of twenty families,		2,062	17 4
8. In Girton parish, out of nine poor families,		525	10 4
9. In Anwith parish, from some poor families,		773	6 4
10. In Kirkpatrick-durham parish, out of thirty-four inconsiderable families,		2,235	16 0
11. In Kirkmabreck parish, some few families,		563	6 0
12. In Monygaff, three families,		600	0 0
13. In Kirkcudbright, eighteen families,		2,580	0 0
14. In Lochrutton parish, out of thirty-seven poor families, notwithstanding they want a minister		2,080	0 0
15. In Traquair parish, twelve poor families,		756	10 0
16. In Kells parish,		466	13 4
17. In Corsmichael parish,		1,666	13 4
18. In Parton parish, from twenty-four families,		2,838	9 4
19. In Irongray parish, forty-two families,		8,362	18 8

In the sheriffdom of Nithsdale, or Dumfriesshire,

1. In the town and parish of Dumfries, from fifty-one families, was exacted the sum of		4,617	15 4
2. In the parish of Kirkmaho, from twenty poor families,		1,341	6 8
3. In Dunscore parish, from fourteen families,		1,411	13 4
4. In Glencairn parish, from families,		2,146	14 8
The total of these sums extend to	L.	51,575	13 4

Besides all these abovenamed sums, which are instructed in every particular parish,

1. There are six or seven parishes in the stewartry of Galloway, and fourteen in the sheriffdom of Nithsdale, of whom I have received no particular account as yet, but you may judge the lion by his paw.

2. Besides the sums abovenamed, it is to be considered, that the great expense of quartering is not received in the most part of the parishes abovenamed, which would make a great addition to the former sums; but it cannot well be counted.

3. Besides that which they have gotten out

subscribe the declaration openly in any court, had the half of the fine remitted, as had been concerted last year; and such who had no latitude for those, must have the whole enacted with the utmost rigour. Through the west and south, multitudes were obliged to pay the whole, yea much more. Noblemen, gentlemen, and commons, 1666. when the troopers came to their houses, if they had not the money, went presently and borrowed it, and gave it them: but this was not all, they must go to Edinburgh, and report their discharge, and when there, satisfy the troopers over and above.

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already, there are several persons that have not got their fines, and others their cess-money, as yet paid; but is to be exacted.

4. That several of the poor people (through fear) have given out divers times buds and bribes in money and other things, to some officers and soldiers, for keeping cess and quarter off them, which notwithstanding profited little or nothing.

5. That all these forementioned sums are, by and attour all the fines, imposed by the state, which, within the stewartry of Galloway, upon ninety-one persons, extends to the sum of £47,860; and in the sheriffdom of Nithsdale, upon forty-one persons, extend to £29,260; which being laid together, the parliament fines within the stewartry of Galloway, and sheriffdom of Nithsdale, extend to £77,120; and that, besides the expenses of cess and quarter for the fines themselves, for several persons, was put to pay near as much more cess as their fines came to besides quarter.

6. That by and attour all the foresaid losses, there are many families (whose sums are not here reckoned) in probability totally ruined, and many others scattered already; for instance, in Lochrutton, a little parish, I find to be reckoned to be above sixteen familes utterly broken. In Irongray parish, the most part of the families put from house-keeping already, the soldiers having violently taken away, both there and elsewhere, from several families, the thing they should have lived on, even to the leading away of their hay-stacks. I forbear to set down the rest of the broken and ruined families, until I can give you a more distinct account: only I can tell you in the general, that utter ruin, to the most part of the families in this country, is like to be the consequence of these grievous and intolerable impositions; and also, to my certain knowledge, there are several gentlemen who formerly were well to live, that are now put from house-keeping, and forced to wander; yea, ofttime to be beholden to others for a night's lodging, the soldiers having possessed themselves in their houses, cattle, plenishing, barns, &c.

7. Ordinarily, wherever they come to quarter they do not rest content with sufficiency, but set themselves to waste needlessly; at some times send for sheep off the hill, and cast whole bulks of them to their hounds and ratches: also by treading and scattering corn and straw, they and their pedies at their pleasure, and usually saying, We came to destroy, and we shall destroy you.

8. They have this for an ordinary use, that when they have eaten up the master or landlord, they fall next upon the poor tenants to eat them up also; yea, though they were never so conformed to hearing, &c. whereof I could show many instances, which I cannot for shortness. Also in other places, when they have consumed the tenant, they have fallen upon the landlord; this they did in Kirkmahoe upon a gentleman, who (for ought I know) conforms all the length they press him to as yet.

9. It is observed every where in that country, that these who have conformed, and are obedient to the laws from the beginning, and others who have conformed of late, do no less suffer than those who hold out to the last: yea, some in several parishes, who have given subjection to what is demanded, have suffered more than some who have given none, which has produced an universal discontent and outcry in this country; and many husbands here who yield obedience to the full length, are punished by fining, cess, and quarter, for their wives' not obedience; and ye know, Sir, that is sad, for there are many wives who will not be commanded by their husbands in lesser things than this; but I must tell you that this hath occasioned much contention, fire, and strife in families, and brought it to this height, that some wives are found to flee from their husbands, and seek a shelter elsewhere, and so the poor goodman is doubly punished for all his conformity.

10. It is specially to be considered, that besides all which this country hath suffered hitherto, the soldiers are sent forth through the country again, and fine, cess, and quarter is imposed of new upon the same persons and families who were fined before, yea, upon some it is doubled and trebled. I have lately heard that some yeomen are fined in five hundred merks, besides, the gentlemen in six or seven hundred pounds. I cannot see what shall be the fruit of these things, except utter ruin to their worldly estates.

11. That all the papists that are in this country, none of them are troubled, except it be very few, and these inconsiderable persons, who are fined in some feckless thing for the fashion.

12. Wherever the soldiers come to quarter, they ordinarily hinder, or else interrupt the worship of God in families, by their threatenings and blasphemous expressions; yea, the poor people are so straitened that scarcely they have liberty to call on God in secret places, but they are punished by those men, and cruelly mocked, to the constant grief, vexation, and disquiet of those upon whom they are quartered.

13. Notwithstanding of all these impositions upon that people, and aggravations of their sufferings above mentioned, yet the people are commanded to take a bond, wherein (besides all the particular obligations required in that bond) is contained an acknowledgment, that the commander of that party has dealt civilly and discreetly with them.

The particular instances which follow in the autograph are not inserted, because they are pretty much evinced with those already printed in Naphtali.

1666. This was called riding-money; and sometimes the riding-money was as much as the fine itself to the common sort. No excuse was sustained, but the taking the foresaid oath, and the subscribing the declaration before the day prefixed in the proclamation. This few complied with, as contrary to their principles and conscience: so that the uplifting of these fines, as well as those for precise nonconformity, was undoubtedly persecution for conscience' sake, as well as a most arbitrary and illegal imposition in its own nature. Some offered to abide a trial at law, as being free from all acts of rebellion, which, as we have heard, was the pretext of the imposing the fines, and to renounce all benefit by the king's indemnity. This seems indeed to be allowed in the act of parliament, but would not be received by the soldiers; all must pay. Such who could neither entertain the troopers, nor command the money required of them by the act of fines, were straightway haled to prison, where not a few lay a considerable time at the king's charges: and so great was the poverty many were reduced to by such measures, that the troopers, when they met with a beggar in their way, would ask in a jest, if he were fined. Most part of the sums imposed by the parliament were fully exacted; and for them I refer the reader to the list given in the first book. I find discharges under Sir William Bruce's hand, for the payment of six hundred pounds by Alexander M'Tier merchant in Stranraer, and Patrick Kennedy late provost there, yet remaining, of the date of April 1666. And that the reader may see their form, I have insert a copy of Sir William's discharge to Walter Stuart in Linlithgow, a pious and good gentleman, father to the present Walter Stuart of Pardivin, from the original communicated to me by the last named worthy gentleman.

"I Sir William Bruce of Balcaskie knight, clerk to the bills, and by the king's special warrant appointed his majesty's receiver of the fines imposed by the parliament assembled at Edinburgh the 9th day of September, 1662 years, grant me by thir presents to have received from Walter Stuart in Linlithgow, the sum of six hundred pounds Scots money, and in complete payment of the second half; and in full and complete payment of his whole fine laid on him by the said parliament, and discharge him thereof: consenting thir presents, &c. In witness whereof I have subscribed thir presents at Edinburgh the 5th day of March, 1666, before thir witneses, &c.

"W. Bruce.

"James Kennoway, witness,

"Robert Stuart, witness."

Vast were the sums exacted at this time; and the collector of the parliamentary fines, though formerly a person of a broken fortune, came to buy an estate, and build a sumptuous house. Our managers thought to have divided these spoils among themselves; each party, when in power, looked on them as theirs; first Middleton and his dependants, who imposed them, and then Lauderdale and his party, who uplifted them: nevertheless, both missed their aim, and bishop Sharp outwitted them both; and within a little, they were by the king's orders applied to the payment of the army, we shall hear, was raised at his instance.

When things are thus ripening very fast towards confusions in the country, the primate posts up to court, and must have his hand in bringing matters to an open ruptur .

* Some particulars of this visit of the primate to London, that seem to have been unknown to our author, are related by Burnet, and are too characteristic to be passed over here. "The truth is," he remarks, "the whole face of the government looked liker the proceedings of an inquisition than of legal courts: and yet Sharp was never satisfied. So lord Rothes and he went up to court in the first year of the Dutch war. When they waited first on the king, Sharp put him in mind of what he had said at his last parting, that if their matters went not well, none must be blamed for it but either the earl of Lauderdale, or of Rothes: and now he came to tell his majesty that things were worse than ever, and he must do the earl of Rothes the justice to say, he had done his part. Lord Lauderdale was all on fire at this, but durst not give himself vent before the king. So he only desired that Sharp would come to particulars, and then he should know what he had to say. Sharp put that off in a general charge, and said he knew the party so well, that if they were not

The high commission was now dissolved, and in room of that, some other method must be fallen upon to advance his odious designs. No way was now left, but that of violence, which was not disagreeable to his haughty and proud temper. Accordingly he proposeth a standing army in Scotland, to bear down presbyterians, and cut their throats, when many of them were now impoverished as much as was possible: at least he hoped, this would force them to extremities, and then, under the colour of law, he would see his desire upon them. The king is prevailed upon to fall in with his proposal, and gives orders to levy an army for guarding the prelates, executing arbitrary commands, and suppressing the fanatics. Thomas Dalziel of Binns is made general, a man naturally rude and fierce, who had this heightened by his breeding and service in Muscovy, where he had seen little but the utmost tyranny and slavery.* Wm. Drummond, brother to the lord Madertie, a person some more polite, and yet abundantly qualified for the work in hand, being many years in the Muscovite service with the former, was made lieutenant-general. Two regiments of foot, and six troops of horse, are raised. The first is given to the general, the other to the lord Newburgh; the troops are bestowed on duke Hamilton, earls of Annandale, Airly, Kincardine, and others. Those, with the guards, and the earl of Linlithgow's regiment, made up about three thousand foot, and eight troops of horse, a sufficient number to serve the prelates' violent designs. All were ordered to obey the general, without asking questions: and this army is to be maintained from the fines collected, and to be collected, and the general is to count with the exchequer for 1666

supported by secret encouragement, they would have been long ago weary of the opposition they gave the government. The king had no mind to enter further into their complaints. So lord Rothes and he withdrew, and were observed to look very pleasantly upon one another as they went away. Lord Lauderdale told the king he was now accused to his face, but he would quickly let him see what a man Sharp was. So he obtained a message from the king to him, of which he himself was to be the bearer, requiring him to put his complaints in writing, and to come to particulars. He followed Sharp home, who received him with such a gayety as if he had given him no provocation. But lord Lauderdale was more solemn, and told him it was the king's pleasure that he should put the accusation with which he had charged him in writing. Sharp pretended he did not comprehend his meaning. He answered, the matter was plain, he had accused him to the king, and he must either go through with it and make it out, otherwise he would charge him with leasing-making, and spoke in a terrible tone to him. Upon that, as he told me, Sharp fell a trembling and weeping; he protested he meant no harm to him; he was only sorry that his friends were upon all occasions pleading for favour to fanatics (that was become the term of reproach). Lord Lauderdale said that would not serve his turn: he was not answerable for his friends except when they acted by directions from him. Sharp offered to go presently with him to the king, and to clear the whole matter. Lord Lauderdale had no mind to break openly with him. So he accepted of this, and carried him to the king, where he retracted all he had said in so gross a manner, that the king said afterwards, lord Lauderdale was ill-natured to press it so heavily, and to force Sharp on giving himself the lie in such coarse terms.

"This went to Sharp's heart; so he made a proposal to the earl of Dumfries, who was a great friend of the lord Middleton's, to try if a reconciliation could be made between him and the earl of Rothes, and if he would be content to come into the government under lord Rothes. Lord Dumfries went into Kent, where the lord Middleton was then employed in a military command on the account of the war, and he had Sharp's proposition laid before him. The earl of Middleton gave lord Dumfries power to treat in his name, but said, he knew Sharp too well to regard any thing that came from him. Before lord Dumfries came back, Sharp had tried lord Rothes, but found he would not meddle in it; and they both understood that the earl of Clarendon's interest was declining, and that the king was like to change his measures. So when lord Dumfries came back to give Sharp an account of his negotiation, he seemed surprised, and denied he had given him any such commission. This enraged the earl of Dumfries, so that he published the thing in all companies; among others, he told it very particularly to myself."—Burnet's History of his Own Times, pp. 311, 312.

The above is an exceedingly graphic description of these parasitical plunderers, who were alike faithless to God, to their king, and to one another.—*Ed.*

* This barbarous tool of tyranny, so much celebrated for his loyalty, was descended from the family of Carnwath, and born about the year 1599. He appears to have been bred to the military profession, and was a staunch adherent to Charles I. for whom he commanded at Carrickfergus, in Ireland, and was there taken prisoner in the year 1650. The following year he was made prisoner at the battle of Worcester, and carried to the Tower, whence he made his escape and fled to the continent, after which his estates were forfeited, and he was exempted from the general act of indemnity. He was recommended by Charles II. for his eminent courage and fidelity to the king of Poland, and by the

66. every farthing of them. Thus the scheme is laid above.

The war with the United Provinces continuing, as likewise with France and Denmark, upon the 8th of June the council issue a proclamation for a fast; which, being much in the same form we have already seen, I do not insert. It was penned by the bishops, and has this remarkable turn in it. "We having great and eminent experience of the assistance of Almighty God, whose protection and favour, after keeping a solemn day of fasting and humiliation, we have implored, and upon this great occasion, finding that the renewing of the same may move Almighty God to continue his favour." Which some at that time thought too great a compliment paid to the last fast, considering the nature of the victory obtained, as also to this, which was observed the second Wednesday of July, in the south, and the third Wednesday, in the north side of the water of Esk.

At the same diet the council are importuned by the bishops, to do something further in order to corrupt the youth. Accordingly I find this act in their books.

"The lords of his majesty's privy council considering, that before the beginning of the late troubles within this kingdom, no scholars were admitted to colleges or universities to receive degrees, or the name of the master of arts, till they first took the oath of allegiance, and that the practice of that necessary duty, hath not for many years been in observance; yet it may be of most dangerous consequence, that any should be admitted to receive degrees, whereby they may be fitted and qualified to serve in church or state, except they be such as are content to give evidence of their loyalty: wherefore the said lords have discharged, and hereby do discharge all masters, regents, and teachers in universities and colleges, to laureate, or admit to degrees, any of their scholars, till first they take the oath of allegiance: and recommend it to the archbishops and bishops to see this act receive due obedience within their respective bounds." Remarks have been made formerly upon acts of this nature; and I shall only now add, that I can find no instances of this oath's being imposed in Scotland, but when prelacy was in the church.

Upon this encroachment upon universities, I may add another upon the royal burghs. Upon the 13th September, the council send a missive to the town of Ayr, signifying, it

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Czar of Muscovy, under whose banner he fought against the Turks and Tartars, was promoted to the rank of general. After the restoration, he returned to his native country, bringing along with him honourable testimonials of bravery and good conduct in his Turkish and Tartar campaigns, and was thus early selected to enforce the sanguinary decrees by which it was attempted to establish prelacy in Scotland. He was a man eminently qualified for the service, being relentless, and cruel in the highest degree; abundant instances of which the reader will meet with in the course of this history. The following is a portrait of this *beau ideal* of modern toryism, drawn evidently by one who was his admirer:—

"He was bred up very hardy from his youth, both in diet and clothing. He never wore boots, nor above one coat, which was close to his body, with close sleeves like those we call jockey-coats. He never wore a peruke, nor did he shave his beard since the murder of king Charles I. In my time his head was bald, which he covered only with a beaver hat, the brim of which was not above three inches broad. His beard was white and bushy, and yet reached down almost to his girdle. He usually went to London once or twice a year, and then only to kiss the king's hand, who had a great esteem for his worth and valour. His unusual dress and figure when he was in London, never failed to draw after him a great crowd of boys and other young people, who constantly attended at his lodgings, and followed him with huzzas as he went to court or returned from it. As he was a man of humour, he would always thank them for their civilities when he left them at the door to go in to the king, and would let them know exactly at what hour he intended to come out again and return to his *lodgings*. When the king walked in the park, attended by some of his courtiers, and Dalziel in his company, the same crowds would always be after him, showing their admiration of his beard and dress, so that the king could hardly pass on for the crowd; upon which his majesty bid the devil take Dalziel for bringing such a rabble of boys together to have their guts squeezed out, while they gazed at his long beard and antic habit, requesting him at the same time (as Dalziel used to express it), to shave and dress like other Christians, to keep the poor bairns out of danger. All this could never prevail on him to part with his beard; but yet, in compliance to his majesty, he went once to court in the very height of the fashion, but as soon as the king and those about him had laughed sufficiently at the strange figure he made, he resumed his old habit, to the great joy of the boys, who had not discovered him in his fashionable dress."—Kirkton's History of the Church, &c. *note*, p. 226.—*Ed.*

is their pleasure, that provost Cuningham be continued this year also, as he was, by their orders, the last; and it is signified to the town, that obedience is expected. The letter is signed St. Andrews, who now almost always presides in the council. The royal burghs have likewise a letter sent to each of them, ordering them to send in to the clerk of council the declaration appointed by parliament, signed by all the members of their town-council and magistrates, since the last returns were made: and letters of the same nature are writ to the sheriffs and justices of the peace in each shire.

A letter is sent down from the king to the council, dated October 1st, no question procured by bishop Sharp, if not formed by him. It deserves a room here, and it is as follows.

" Right trusty, &c. We greet you well. Upon complaint made to us of the great disorders in the church, and of the insolent keeping of unlawful conventicles in that our kingdom; after advice from these to whom we thought fit to refer the consideration of these growing evils, and fitting remedies to them, we think now it necessary to require you, to take special care that the laws and acts of state be vigorously prosecuted against all contraveners, and with greatest severity against those who are known to be most pernicious adversaries to the peace of the church. As also, that by act of council you enjoin, that all heritors and landlords be obliged, and made answerable for their tenants and servants living orderly, and not withdrawing from ordinances, and not keeping conventicles; and that for that end, they be empowered and required to remove them, if need be, and that a remedy may be provided where they have tacks, or are rentallers; and magistrates of burghs to be answerable for their inhabitants, who reside within their respective liberties for the space of six months and upwards. So expecting an account of this from you, we bid you heartily farewell. Whitehall, October 1st, 1666. " LAUDERDALE."

Upon this is bottomed the rigorous proclamation published the 11th of the same month, entitled, " proclamation for procuring obedience to ecclesiastical authority," which I have insert,* as being unreasonable in the statutory part of it, and what was a pattern for most part of their acts and proclamations afterwards, 1666.

* *Proclamation for procuring obedience to ecclesiastical authority, October 11th, 1666.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to macers of our privy council, and messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as by the first act of the third session of our late parliament, entitled, *Act against separation and disobedience to ecclesiastical authority*, it is recommended to the lords of our privy council to take speedy and effectual course that the said act, enjoining obedience to the government of the church, as it is now settled by law, receive due and ready obedience from all subjects; with power to them to decern and inflict such censures, penalties, and corporal punishments as they shall think fit, upon the contraveners, and direct all execution necessary, for making the same effectual, and to do every other thing needful for procuring obedience to the said act, and putting the same to punctual execution, conform to the tenor and intent thereof. And by divers other acts of parliament and council, made against papists, quakers, and other disaffected persons, they are commanded, under great pains and penalties, to frequent the ordinances, in hearing sermon, and partaking of the sacraments, and all other acts of public worship, at their own parish churches, and not to keep any private meetings or conventicles: nevertheless, the said acts have not received that vigorous execution and obedience in some parts of the kingdom, which might have been given, if masters of families, heritors, and landlords in the country, and magistrates within burghs royal, had been careful and zealous in their stations in procuring obedience from their servants, tenants, and inhabitants, over whom they have power and jurisdiction: so that it is more than high time to prevent the increase and spreading of these disorders, which, by evil example, might poison and infect these that are yet sound in their principles, and well affected to our government. Our will is herefore, and we charge you straitly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, remanent head burghs of the several shires and other places needful, and there, by open proclamation, in our name and authority, command and charge all masters of families that they cause their domestic servants, grieves, chamberlains, and others entertained by them, to give obedience to our laws foresaid, and acts of council; and particularly that they frequent the public worship and ordinances at their own parish churches, and participate of the sacraments, and abstain from all conventicles and private meetings, and that they retain none in their service but such as they will be answerable for; and in case of their disobedience, that they remove them out of their service immediately after intimation thereof by the minister of the parish: as also, that all heritors, landlords, and liferenters, who have granted any tacks or rentals to their tenants, which are yet standing unexpired, cause their tenants and rentallers give sufficient bond and surety for

1666. and a great foundation of violent persecution; yea, it was so far beyond the council's power, that afterwards it was found needful, *ex post facto*, to confirm it by a parliamentary authority. In the narrative it is alleged, the parliament, by their act against separation, give the council power to do all in this proclamation; but it will be evident, by a comparison of the two, the council go beyond the power committed to them. All masters are charged to see that their servants give obedience to all acts anent conformity, and keep none in their service but such as do so; all heritors, &c. are to see to their tenants' conformity, and their abstaining from conventicles, and cause them give bond for this effect; and in case of refusal, raise letters of horning against them, and the escheats thereby falling into the king's hand, are given to the heritors; and if the tenants who refuse be moveable, that they be ejected, and no new tacks be given, without security for conformity. Magistrates of burghs are to take the same method with inhabitants; and, in case of contravention, masters, heritors, and magistrates are made liable to all the penalties of the contraveners. The unreasonable hardships in all this need not be exposed; it is an excellent footing for a standing army to act upon.

Besides the fines which were anticipated for other uses, and pretty much pocketed before they came to the general's hands, it was found necessary new burdens should be laid upon the country for the support of the army, in executing this and the former severe acts obliging to conformity: and so I find, November 8th, this year, a proclamation issued out for calling a convention of estates, to raise money for maintaining the soldiers in the defence of the kingdom. Their sitting was, for some time, prevented by the confusions which just now fell in.

By all these impositions, encroachments, and terrible exactions, the spirits of many came to be imbittered, and the common people turned almost desperate. They had been imposed upon dreadfully as to their religious concerns; and the civil government now join issue with the bishops and their underlings. Scotsmen have ever been im-

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obeying the said acts of parliament and council, and specially for frequenting public worship and ordinances, as said is, and abstaining from private meetings; and if need be, that they raise letters under the signet of our privy council, and charge them, for that effect, upon six days, and in case of disobedience, to denounce them to our horn, and registrate the same; for which end, warrant is given to direct letters in their name against all and sundry their tenants and rentallers: and we do declare, that we will give and bestow the escheats falling to us by the said hornings, upon the landlords and setters of these tacks and rentals, in so far as may be extended thereto; recommending hereby to our treasurer-principal, and treasurer-depute, and others of our exchequer, to grant the same accordingly: and in case the tenants be removable, and refuse to give obedience, that they warn and pursue them to remove, and obtain decreets of ejection against them; and that no heritor, landlord, or liferenter, set their lands hereafter to any person, by word or writ, but to such as they will be answerable for as said; and that they take surety from them, by provisions and obligements to be insert in their tacks, or otherwise by bond apart, in case there be no writ, that the said tacksmen, rentallers, and all others their hinds, cottars, and servants, who shall live under them upon the said lands, shall give obedience in manner foresaid; otherwise that their tacks, rentals, and whole interest, right and possession shall be void and expire, *ipso facto*, as if they had never been granted, and that without any declarator or further process, and then as now, and now as then, that they shall renounce all right that they shall have thereto, and shall remove themselves without any warning; and in case of failure, the landlords and others are to charge and denounce them in manner foresaid. As likewise, that all magistrates of royal burghs take special care and notice, and be answerable, that their burgesses and inhabitants be obedient to the foresaid acts of parliament and council, and that they cause charge such of them, as they shall think fit, and are suspected, to give bond and surety, as said is; and for the magistrates' own relief, in case they contravene, and if they fail, to denounce them in manner foresaid: with certification, that all masters of families, landlords, and magistrates of burghs, who shall not give punctual obedience in manner above written, that they shall be liable to the same pains and penalties due to the contraveners, but prejudice always of proceeding against the contraveners themselves, and inflicting the said pains, and all other pains contained in any act of parliament or council heretofore made against papists, quakers, and persons disobedient: certifying also all concerned, that the lords of our privy council will not only take special care to secure the public peace, but also to discover all secret attempts and designs to disturb the same, and to punish all persons that shall be found guilty, according to the quality of their offence. And ordains these presents to be printed and published, that none pretend ignorance.

patient under tyranny, and the wonder is not great, that after so much patience, less than they were under did drive them to extremities. The common people being glad of any thing that looked like a present respite, are soon moved to undertake, though many times their undertakings are as much unconstant as they are ill concerted. However, they wanted not provocation at this time: as the religious rights of the church are overturned, so the civil liberties of Scotland are like to be well looked to be a standing army in time of peace! and the best part of the kingdom oppressed in order to maintain it. Our reformation is broke in upon, and liberty and property taken away. The more knowing and prudent were silent in this evil time, and yet under the greatest fears and apprehensions what would be the end of those things. The common people were disposed to take any probable course to get from under their sad burdens; and yet all this year, things went on very smoothly till November, when fortuitously, and without any concert, the gathering of the oppressed country began, which made so great a noise, and afterwards proved a handle of heightening their miseries. The account of this I come to give in the next section.

SECT. II.

A short historical account of the beginnings and progress of the rising in Galloway, and its dissipating at Pentland, November, 1666.

THIS rising being so unexpected and sudden, and no journals of it kept, any accounts of it that can be now given, must be very lame: what follows is mostly taken from a narrative a person of good sense and probity gathered about this time, from conversation with some of the most knowing of this small handful of people; and the council registers, and other papers come to my hand.

Sir James Turner and his soldiers, continued to make terrible havoc in the west, and especially the south. That country was made a wilderness, and well nigh ruined; a great many families were scattered, and not only the common people, but persons of better note, gentlemen and others, were forced to flee their houses, and lurk in mosses and mountains, and other coverts, of many of whom the world was not worthy! these had nothing like resisting the king's forces in view, but were silently groaning under their oppressions, till a very small matter kindled this fire, and an unforeseen accident gave a beginning to this rising. 1666.

Upon Tuesday, November 13th, 1666, four countrymen, after great hardships, and long fasting in their wanderings, came to the small country village of Dalry in Galloway, to get a little refreshment:* upon the high way, a little from that place, they accidentally met with three or four soldiers, driving before them a company of people, neighbours to a poor old man in that place, who had fled from his own house himself, in order to oblige them to thrash out the poor man's corns, that of them they might make money to satisfy for his church fines, as they were now termed. This troubled the four honest men very much, yet they passed by the soldiers, and came to the house they designed. When there they are taking a little refreshment, information is brought them, that the soldiers had seized the poor old man, brought him to his house, and were going to strip him naked, and set him upon a red hot gridiron upon which bread used to be baked, and were using unheard of torture and barbarities toward him. Whereupon they resolve to do what in them lay, to relieve the poor man their fellow-sufferer; and presently come to the house, and earnestly entreated the soldiers to let him go, and desist from their severities. Two of the soldiers were with the man himself, and refused the countrymen's desire, and some high words passed betwixt them: upon the hearing of which, the other two rush out of another room where they were, with drawn swords, and make at the countrymen, and had almost killed two of them. Thereupon

* One of these was M'Lellan of Barscob, afterwards forfeited, who the other three were we have not discovered.—*Ed.*

1666. one of them discharged his pistol, loaden, as I am told, with tobacco-pipe, all the ball they had, and hurt one of the soldiers. This quickly made the rest yield, and the countrymen disarmed them, and made them prisoners; and the poor old man is happily delivered.

Now the countrymen are engaged, and in as great hazard as they could well be. They knew they would be reckoned rebels, and therefore resolve to go through with it, and stand to their own defence the best way they might. There were about a dozen of soldiers, in another place of the same parish of Dalry, about the same work of oppressing the people for their church-fines: lest these should come and destroy them, they resolve to prevent them; and that night seven or eight more country people join the first four, and to-morrow morning early, they went and surprised the party of soldiers. All of them quietly rendered their arms, except one, who making resistance, was killed.

By this time they might be assured of very terrible reprisals, and all the revenge Sir James Turner was capable to make, who was now at Dumfries, some sixteen or eighteen miles distant: therefore the laird of Barscob, and some other gentlemen near by, now joined with the countrymen, knowing the whole country would be made equally guilty, and perfectly destroyed, resolve to be beforehand with Sir James; and gather together about fifty horse, and a few foot, and, without any loss of time, upon Thursday, November 15th, march straight to Dumfries. There they surprise Sir James Turner, make him prisoner, and disarm all his soldiers, without doing hurt to any of them, save one, who, upon his violent resistance, was wounded. When this was done, in their abundant loyalty they went to the cross of Dumfries, and publicly drank the king's health, and prosperity to his government; for which they had very indifferent thanks. Such was the beginning of this insurrection, an occasional tumult upon a sudden fray, never thought of till it began. I am told, the person who seized Sir James was Andrew Gray, merchant in Edinburgh, accidentally in the country at this time about his business: he left them very soon, as did many others;* yet so many of them kept together with Sir James their prisoner, as were the beginnings of the little army which was a gathering. Galloway had suffered most, and the oppression there was the beginning of the quarrel; yet, while they continued there, their numbers were very small, not exceeding three hundred men. Indeed divers worthy gentlemen and heritors joined them.

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* This Mr. Andrew Gray, according to Mr. Andrew Symson, minister of the parish of Kirkinner, as reported by Kirkpatrick Sharpe, Esq. in a note to Kirkton's History of the Church of Scotland, "retired with the money and baggage he had got at Dumfries so quietly, that he was never seen by any of his own party after that." Kirkton's History, *Note*, p. 232. Burnet states, that "there was considerable cash in his [Sir J. Turner's] hands, partly for the pay of his men, partly of the fines which he had raised in the country that was seized; but he to whom they trusted the keeping of it ran away with it." History of his Own Times, vol. i. p. 342. These statements, however, seem to be without foundation. Andrew Gray met with, and held a conversation with Col. Wallace, on the Monday after having deserted his party, "and though Wallace," says he, "perceived that Andrew had come off in a pet, he gives not the smallest hint that he had been guilty of any unfair dealing." We also find him after this an exile at Newcastle, in company of a number of his fellow sufferers, and sharing along with them the bounty of Mr. William Veitch, who had been in the rising at Pentland, though not at Dumfries, and must have known it, had any such circumstance as the above taken place.—Memoirs of Mr. William Veitch, and Notices of the Rising at Pentland, by Col. Wallace, edited by Dr. M'Crie, pp. 49, 391.

Mr. John Blackader, who has given a very minute detail of the seizure of Sir James Turner, says, "a party was sent up to search his rooms, and bring down his papers and trunks which were much emptied, having sent the money he had exacted in oppression to Glasgow before, as I heard say, in some loads." From all the circumstances of the case, we think it pretty evident, that Gray took offence at being prevented by Neilson of Corsack from shooting Sir James Turner, and from the moderation of its commencement, augured an unhappy conclusion to the enterprise which he did not choose to witness. Indeed, after the party had demonstrated the extent of their charity by giving quarter to Sir James Turner, and the depth of their loyalty by drinking the health of king Charles at the cross of Dumfries, we do not see, acting with consistency and common sense, any thing that remained for them to do, but each to make the best of his way home, and to pay what fines might be imposed upon him, or to surrender his life, should it be required, with what grace he could, for he was evidently not yet prepared for that desperate resistance, nor armed with that immovable daring which is necessary for bursting the chains of slavery, and breaking the iron rod of the oppressor.—*Ed.*

By the council-records I find, that upon November 16th appeared before them at Edinburgh, Steven Irvine, bailie of Dumfries, and gave information of "an insurrection by a considerable number of armed men; and declared he saw —— Neilson of Corsack, M'Lellan of Barscob, Mr. Alexander Robertson a minister's son, —— M'Cartney of Blaiket, and James Callum, glover in Dumfries." This surprising account put the bishops, and managers at Edinburgh into a terrible fright; and an express is sent up to court in all haste. The commissioner Rothes took journey to London, to receive his instructions with relation to the convention lately indicted to meet at Edinburgh, a day or two before the countrymen's attempt at Dalry. The council's flying packet reached the king before him. When the earl had waited upon the king, and received from his majesty the account of what the council termed a most horrid conspiracy, he was perfectly stunned, and could scarce credit it.

Jointly with this express to court, the council writes letters to the earls of Annandale, Galloway, Kilmarnock, Glencairn, Cassils, and Lothian, the lords Drumlanerk, and Newbottle, and Sir Gilbert Eliot, signifying that upon information of a rising in arms, in or near the places they were concerned in, they were to order the king's forces to march towards the rising; and in the meantime they expect they will do all they can to maintain the peace, and concur with, and support the forces, when they come." Signed, "St. Andrews."—Next day, the council meet again, and order general Dalziel, with as many of the forces as he can, to march to Glasgow, and from thence to the place at which he shall hear the insurrection is come to any head. And meanwhile, the guards of the town of Edinburgh are doubled, and the names of all the lodgers are ordered to be immediately given up. Likewise they write a letter to the commissioner, giving an account of the rebellion. I have inserted it from the registers, in a note.* The better yet to secure the metropolis, upon the 19th of November, the council make this act. "Considering the necessity of securing the town of Edinburgh, from all 1666.

* *Council's letter to the commissioner, November 17th, 1666.*

May it please your grace,

The lords of his majesty's privy council, having received information of some risings, and appearances of disorders in Kirkcudbright and other places adjacent, have thought it their duty to give his majesty timous notice thereof, and that orders are given for suppressing of the same, which they do hereby offer to your grace to be presented to his majesty. Yesternight one of the bailies of Dumfries came hither, and informed, that on Thursday last, towards the break of day, about fourscore of horses in arms, and also many foot, entered the town of Dumfries, and having about one hundred and fifty foot without the town, did set guards to the magistrates' houses, and invaded the house where Sir James Turner was, seized upon his person, carried him from his bed to the streets, and through the town, and at last carried him away with them. The bailie having seen this, came immediately hither to give us notice: he says, there are no persons of any quality among them, but that they give out themselves that Gilbert Ker is there. This morning we have received further notice of the gatherings of some people in these places, which we are very hopeful will soon vanish, or speedily be supprest. Yet we have thought it our duty, in discharge of our trust we have from his majesty, to apply his majesty's authority for the speedy suppressing of the same, as the beginning of a most desperate rebellion; and thereupon have given orders to the lieutenant-general of his majesty's forces, for marching presently against them, as will more fully appear to your grace by the order itself, the copy whereof is herein enclosed. Orders are also sent to persons of greatest interest in these countries, to be assisting in this affair; of which orders there is a copy also enclosed. This being all the information we have yet gotten, we could do no more at present; for the forces they are to march the morrow morning: but, according as we shall receive further intelligence, we shall not be wanting in the discharge of our duty for the suppressing thir rebels, and securing the peace. And, upon this occasion, the council having had their thoughts upon the fittest means for securing the peace, it is their unanimous judgment, that it is most necessary for that end, that the heritors of the several countries, especially of the southern and western shires, and such other as his majesty's council shall think fit, be presently required to sign the declaration concerning the covenant, and that such as shall delay or refuse, be secured and looked upon as enemies to his majesty's authority and government: as this will be a ready mean to discover who are well or ill affected to his majesty, so without it, we conceive, neither the public peace nor his majesty's government can be well secured:— • •

We rest your grace's humble servants,

St. Andrews,	John Gilmour,
Montrose,	A. Primrose,
Eglinton,	Jo. Nisbet,
Dumfries,	J. Lockhart,
Newburgh,	Hume,
Sinclair,	Ch. Maitland,
Halkerton,	Wauchop,
Ballenden,	Sir R. Murray.

1666. attempts of rebellious persons, ordain the magistrates of Edinburgh, Canongate, and Leith, and other places within their liberties, to cause the officers of the several companies enroll all the soldiers under their command, and all of them, officers and soldiers, to give their oath to be true and faithful to the king, and that they shall defend his authority, and maintain the same against this insurrection and rebellion, and all others, to the hazard of their lives and fortunes: and if any refuse, that they be presently disarmed, their persons secured, and the council acquainted with their names." And as to the country round the place where the rising was, the council again write to the earl of Annandale, lord Drumlanerk, and several others, "empowering them to convocate their followers, and with them to preserve the peace of the country, and to attack the rebels." Likewise, upon the other side, they send letters to Fife, directed to the earl of Weems, lords Newark, Melvil, and Burleigh, "to come in with their friends and followers, with horses and arms, to defend the town of Edinburgh, that so the king's authority may be defended from rebellious and disaffected persons now in arms." Signed, "St. Andrews."—In the commissioner's absence it fell to the primate to preside in council; and being now a time of war several of the lords grumbled very much, and spared not to say openly with oaths, "Have we none in Scotland to give orders at such a juncture, but a priest?"

Upon the 21st they issue forth a proclamation against the rebels in arms in the west. It is inserted at the foot of the page,* and order the general to publish it, and see that it be executed with all care. This proclamation contains no promise of indemnity in it, upon laying down of arms,

* *Proclamation against the rebels in arms, November 21st, 1666.*

Charles, &c. to all and sundry our good subjects, greeting: whereas by the clear and express laws and acts of parliament of this kingdom, it is declared to be high treason for the subjects of the same, or any number of them, more or less, upon any ground or pretext whatsoever, to rise or continue in arms, without our special authority and approbation; and nevertheless, a party of disloyal persons, disaffected to our government and laws, who have formerly tasted of our royal bounty and clemency, whereunto they owe their lives and fortunes, having forfeited the same by their former rebellious practices, under the cloak of religion, the ordinary colour and pretext of rebellion, have now again risen in arms, within the stewartry of Kirkcudbright, shires of Galloway and Ayr, and other western shires; and having in a hostile way entered within the town of Dumfries, has there, and in other places of the country, seized upon the persons of divers of our good subjects, has plundered and robbed them, and others of their horses, arms, and other goods, and has done and committed many outrageous and treasonable deeds and attempts against our authority, and against and upon our royal subjects. And we, out of our royal tenderness for the peace and quiet of this our ancient kingdom, being careful to repress the said rebellion, and that simple people be not ensnared by the said rebels and their emissaries, and involved in their rebellion; and to take off all pretence of ignorance or excuse, do therefore, with advice of the lords of our privy council, declare the said insurrection to be an open, manifest, and horrid rebellion, and high treason; and that the authors and actors in the same, and their adherents, are and ought to be pursued as profest and declared traitors to us: and do hereby command and charge all persons, who are in arms against, or without our warrant and authority, to desist from their rebellion, and to lay down their arms, and to render and present their persons to the lieutenant-general of our forces, or some others of our officers or magistrates, within twenty-four hours after publication hereof: with certification that if they continue in their rebellion after the said time, they shall be holden and proceeded against as incorrigible and desperate traitors, and that they shall be incapable of mercy and pardon. And we do discharge and command all our subjects, that no person presume to aid, assist, harbour, reset, or any way supply the said rebels, or any of them, under the pain of treason; and that they do not keep correspondence, or intercommune with them, without warrant of our said lieutenant-general, under the pain foresaid: and we do expect in this juncture, and do require and command all our subjects, to be assisting to our said lieutenant-general, under the pain foresaid, and being required by him, or others having authority from him to that effect, to rise in arms with all their power, and to join and concur with them for suppressing the said rebels, under the pain of treason, if they refuse or disobey. And further, we do strictly enjoin and command all masters of families, heritors, and other landlords, that they be careful and vigilant that their children, servants, and domestics, and their tenants and others under their power, do not break out and join with the said rebels; certifying them, if they be found negligent in their duty, or otherwise culpable in that behalf, they shall be looked upon, and severely punished, as disaffected persons, and favouring and complying with rebels. And hereby we give warrant and command to our Lyon, king at arms, and his brethren, heralds, pursuivants, macers, or messengers at arms, to pass to the market-cross of Edinburgh, and other places needful, and make publication hereof, that none pretend ignorance. Given under our signet, at Edinburgh, the twenty-one day of November, and of our reign the eighteenth year. Subscribed *at sederunt.*

nor any encouragement to people to do so, as is usual in such cases. Whether this proceeded from haste, or from the cruel disposition and designs of their president, I am not to determine: but it is evident enough, this was upon the matter to command the people to come to the scaffold, and to require them to submit to the severities of the prelates, who were the fountain of all their miseries, and to subject to the cruelty of the army, whom they had affronted: and such a proclamation could have little other effect, but to imbolden the poor men, and let them see they must either go through what they had begun, or die. Twenty-four hours after the date of the proclamation are only allowed to them to submit, which was too short a time for its reaching Galloway; and I think the country people were scarce come to Ayrshire as yet. It is not improbable there were views in this extraordinary proclamation; and whether it was afterwards improven by the primate, for justifying his severities on the persons who were taken prisoners, I know not: but Sir George Mackenzie would from this palliate the execution of those good men, after quarter given by those who took them. But the terms given posterior to this proclamation, by such who had the king's power lodged with them, fairly remove any thing that could be in this deed of the council: and if the proclamation was emitted with designs to be a cover to such a villany, it was not unlike the temper and cunning of him who was now at the head of the council. The same day they pass another act, inserted below,* "to put the country in a posture of defence," and require all the king's subjects to assist the general with all their power. This was of some more influence, and made many join the general, and some against their light and conscience: "the fear of man causeth a snare." And further they discharge all passage at the six ferries between Leith and Stirling, and order all persons who pass Stirling bridge to be narrowly examined. This was to prevent some persons from Fife and the north, who were under sore burdens, and ready to have joined the people in the south. Next day, the 22d, the council order all suspected persons to be seized and examined; and write to the general, acquainting him with what they had done, and desiring his advice as to any thing yet necessary to be done. 1666.

To return to the people who rose at this time; after they had seized Sir James Turner, and were now determined to defend themselves, some were sent into Edinburgh, to see what assistance they might expect thence; and I suppose Mr. Alexander Robertson, a preacher, a zealous and resolute man, was consulted, and his son one of the messengers: at least I find, it was in his chamber a considerable number of ministers, gentlemen, and others met that night the accounts came from Dumfries, to consider how far it was their duty to join those now risen. Reasonings *pro* and *con* were so protracted, that no resolution was come to the first night. To-morrow at seven of the clock, they again met at Mr. Robertson's chamber. When the question was resumed, it was generally thought to be very hard to lie still and do nothing at such a juncture,

* *Council's act for defence of the country, November* 21, 1666.

Forasmeikle as the insurrection at Dumfries and the western shires, is grown into an open rebellion, and that the number of these desperate rebels does increase so, that all his majesty's loyal subjects, in their several shires, ought timously to look to their own security, and put themselves in a posture to defend the king's authority, and to oppose all attempts of desperate and wicked rebels; therefore, the lords of his majesty's privy council, do hereby command and require all heritors, who are fencible persons, within the shires of Middle, East, and West Lothians, Fife, Perthshire, (except the country of Athole) Stirlingshire, Dumbartonshire, Merse, and Teviotdale, Tweeddale, Clackmannan, the Forest, Angus, and Mearns, to convene at such places as the commanders aftermentioned shall appoint, and to receive the orders, and to be under the command of the persons underwritten, viz. Mid Lothian to meet upon the twenty-third of November instant, and to be under the command of lord George Ramsay; East Lothian, to meet on the twenty-sixth of the said month, and to be under the command of the earl of Wintoun, and viscount of Kingstoun; West Lothian, to meet the twenty-third of this instant, and to be under the command of Sir Walter Seton of Abercorn; Stirlingshire, to meet the twenty-sixth of November, to be under the command of the earl of Callender, and lord Almond; Fife, to meet the twenty-ninth instant, to be under the command of the earl of Weems and lord

1666. when so fair a door was opening; and they could not think of seeing their fellow countrymen oppressed and borne down for their religion and liberty, and in so much hazard, without helping them, especially when all methods of regular and orderly application to the government, were stopt and precluded. I hear Ferguson of Kaitloch, afterwards a very great sufferer in his person and family, was at this time unclear as to rising in arms: but the rest of the meeting, generally speaking, were very clear to assist these people for recovering their liberty; such as colonel James Wallace, Mr. John Welsh, the said Mr. Robertson, and others.

It would be tedious to go through all the essays made up and down, to get assistance to the people in Galloway. Colonel Wallace resolves immediately to go westward; he was assured forty well mounted men and horse would join him in the parish of Libertoun, but they sunk to seven or eight. Indeed it was no wonder people were not so very forward to join in this undertaking, so suddenly entered into without any general concert: especially if we consider, that the spirits of people were sunk, generally speaking, under heavy and rigorous vexations and burdens. With those the colonel made the best of his way to Linton, and from thence ordered off Mr. Robertson towards Lesmahago, to dispose people to join with him when he came thither; but he met with small encouragement. Thereabouts the colonel came with his men, and rested upon the Sabbath. Next day they had notice that William Lockhart of Wicketshaw, with a party of Carluke men, and some others, were marched westward to the main army, and so they followed them. In the road the colonel called at captain Robert Lockhart's house, expecting Mr. Alexander Robertson there, according to appointment, but the captain and he were gone forward. When they came to Evandale, they had the first accounts of the laird of Blackwood's desiring to meet with the colonel, and to understand his design and motions. The colonel being uncertain of his character, did not wait, but went westward; and in their way to Mauchlin, he overtook captain Arnot, brother to the laird of Lochridge, and a few men with him. They lodged all together at Mauchlin, on the Tuesday's night. When there, they are informed their friends were all gone forward to Ayr, and thither they resolve to go. Their hopes were here mightily disappointed; they expected to have found all that country in arms for religion and liberty, but very few were stirring. They reckoned much upon major-general Montgomery, who had been harshly enough treated by the government, and the laird Gadgirth; but find they were both at Eglinton house waiting upon general Dalziel. Several ministers, they were made to hope would join them, were living quietly in their families. This very much offended the colonel and his friends, and discouraged them, when they found many whom they judged friends, as they reckoned the most part of that country, standing by unconcerned. Meanwhile, their friends were likewise grieved and mourning for their undertaking, looking upon it as very sudden, unadvised, and unconcerted; and fearing, that in the issue it might prove unsuccessful and hurtful.

However, the colonel and his men march on to Ayr, and find the body of the forces come from Galloway, and such who had

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Newark; Perthshire, to meet the twenty-ninth instant, and to be under the command of the earls of Perth, and Tullibardin, excepting as said is; Dumbarton, to meet upon the twenty-eighth instant, and to be under the command of the earl of Wigtoun; Merse, to meet the said twenty-eighth instant, to be under the command of the earl of Hume; Teviotdale, to meet the twenty-eighth instant, and to be under the command of Sir William Murray of Stanhope, and the laird of Blackbarony younger; Clackmannan, to meet the twenty-ninth instant, to be under the command of the laird of Clackmannan; Forest, to meet the twenty-eighth instant, and to be under the command of Philiphaugh; Angus, to meet the twenty-ninth instant, to be under the command of the earl of Panmure and lord Carnegie; the shire of Mearns, to meet the twenty-ninth instant, to be under the command of the earl of Marishal, and lord Arbuthnot: with full power to them, to seize upon all disaffected persons within their respective bounds, or such as shall be suspect to be going out of the shire to be rebels; with power likewise to the said commanders, to appoint officers under them, to command in the several divisions of the shires. And further, ordain the said respective commanders, to make public proclamation and intimation hereof, to the respective shires under command, immediately after the same shall come to their hands, that the said meetings may be punctually kept.

joined them since, rendezvousing near the bridge of Doon; and when he was going towards them, a messenger comes from Cuningham, with accounts, bearing that a considerable body of men were ready there to join them, if they had one to gather and head them. Whereupon he sent off captain Arnot with forty horse, to encourage and bring them up, and he himself, with the rest, joined the general rendezvous. Upon the Wednesday, there they had certain accounts, that Dalziel and his army lay at Glasgow, and so they resolved to-morrow to march to the parish of Ochiltree, and have another general rendezvous there, where Mr. John Guthrie, minister at Tarbolton, came to them, with some men from that parish. When they were all come to the place of meeting, Mr. Gabriel Semple preached to them. And here they first modelled themselves into an army, choosing their officers, and disposing their men to the best advantage, and placing their guards.

At Ochiltree they convene their first council of war, and after application to God by prayer, and reasoning upon their present circumstances, it was resolved, that since they could expect little more assistance from the south or west, except captain Arnot's company, that they should march eastward to Edinburgh, especially since they were apprehensive the enemy might attack them, if they continued much longer there, and that before they had got all the assistance they expected. So they marched eastward upon the Friday to Cumnock, and there got the accounts that one of their friends John Ross, and a few men with him coming to them, were intercepted and broken by duke Hamilton's troop, and that the enemy was approaching them; and indeed the council were not wanting in raising the country, as well as sending the army upon them. Accordingly, I find one act in their register, November 23d, "act anent the shires of Renfrew, Lanark, and Ayr." Its tenor is, "Forasmuch as the insurrection at Dumfries and the western shires, is grown to an open rebellion, and the number of desperate rebels increases, these are to order out all fencible men in Renfrew, Ayr, and Lanark shires: and all who are absent from the general rendezvous are to be noticed, and apprehended." The same day rendezvouses are appointed in Mid Lothian, East Lothian, and Teviotdale: and colonel Hurry, and major Th[illegible]son, with the forces under their command, are appointed to keep guard in the Canongate. 1666.

Upon these advices, the little army marched from Cumnock that evening, forward to the Muir-kirk of Kyle, (Muirkirk) in a most dreadful rain, and through a long muir miserably deep. They reached not their quarters till two hours within night. Great were the hardships they came through, they were generally as wet as they had been dragged through a river: and wet as they were, their foot behoved to lodge in the church, without any meat that night, and little fire to dry them. Here Mr. Andrew M'Cormock, an Irish minister of great piety, commonly called the "good man," came to colonel Wallace, now chosen commander in chief, and acquainted him, it was the opinion of Mr. Alexander Robertson, and captain Lockhart, who it seems had been very unsuccessful in their endeavours for assistances to the colonel, that this rising should be followed no further, but the people dismissed in the fairest way that might be. The proposal was communicated to Mr. Gabriel Semple, a minister of very great authority among them, and urged with all earnestness. Nothing could be concerted that night, and to-morrow, being Saturday, they marched to Douglas, and towards Lanark. By the way captain Arnot, with his Cuningham supply, came up with them. Two hundred had been promised, but they scarce amounted to forty.

At Douglas, after they had set their guards and watch, they called a council of war, anent the proposal made by Mr. M'Cormock. After prayer to the Lord for direction in that matter of great importance, the question was stated, Whether they should scatter, or continue in arms? The reasons offered for giving up this enterprise, from the strength of the enemy, the smallness of their numbers, the dispiritedness of the country, and the present unfitness of the season for action, were all considered; the opinion of the ministers they had with them was heard,

1666. and then the officers gave theirs. All of them, after reasoning, agreed, that they had a clear providential call to this undertaking, and that they could not quit it till they had as plain a warrant to desist, as they had to gather together. They were conscious to themselves, nothing was in their view, but the freeing themselves and their country from the horrible oppression they groaned under, and to lay their grievances before the government, and humbly to crave redress, which they had access to do no other way but in arms. They persuaded themselves, the Lord could work by few as well as by many, and hoped they were a handful of men in whom the Lord would concern himself: and if such as had encouraged them to this enterprise, and promised assistance should fail, they could not help it; they were in the way of their duty. And as for themselves, if their design misgave, they could say, it was in their heart to "build a house to the Lord," and to act for the glory of God, and the cause of religion and liberty, and were not unwilling to die sacrifices for these; yea, they reckoned a testimony for the Lord, and their country, was a sufficient reward for all their labour and loss. Thus the proposal was laid aside, though it came from persons who were heartily friends to their cause and designs.

The council of war had other two questions before them: one was anent the renewing the covenants these lands lie under, as soon as possible. Unto this all went in most unanimously: all of them, generally speaking, had taken them before, with knowledge and reflection; and this work was now buried, and scandalously treated. Indeed they could have wished for more time to prepare for that solemn work, and more persons of all ranks to join in it; but now they had not their choice, and behoved to do things as they best could, and not still as they desired. And hereby they inclined to give a proof to the world, that their cause and principles were the very same with those of the church of Scotland, before her liberties were wrested out of her hand; and they knew no better preparation for death, if called to it, than a solemn resignation and dedication of themselves to the Lord. The other matter under their consideration they were not altogether so harmonious in; What to do with Sir James Turner? whom they still carried about with them since they left Dumfries, being masters of no prison to put him in. Some were for putting him to death, as being notoriously guilty of murder, and a bitter and bloody instrument of persecution: but the most part were peremptorily against this. Those acknowledged Sir James had been a grievous oppressor, and the occasion of the death of many; but then they would have it considered he was a soldier of fortune, and had his commission for any thing he did. Yea, I am told, that Sir James produced letters from the bishops and others, with his secret instructions and orders for a great deal more than he had done; and that he really appeared to have been pretty moderate even in his severities, when his actings were compared with his orders which he produced, and repeated letters from the prelates. Whatever be in this, moderate measures prevailed; he was spared, and carried forward with them.

Sabbath morning they marched to Lanark, through Lesmahago. In the way, Knockbreck's two sons, with some few men from Galloway, overtook them, and signified, no more were to be expected from the south. At night they came to Lanark, and set their guards and watch, and ordered their men the best way they might, and appointed officers, of which they were very scarce, to every company.* This night it was intimate to the people of Lanark, that they designed to renew the covenant in that place to-morrow. It might have been expected this would have engaged the people thereabouts to join them; but such a terror at this time was upon the spirits of the country, that few or none of their best friends durst or would appear. To-morrow morning they were alarmed with the accounts, that general Dalziel was within a few miles of them; upon which some were for delaying the renewal of the covenants, but they were overruled; and so, after they had sent out their

* "That day we perfected the modelling of our forces, wherein we found great want of officers, there not being to the few number we had half of the officers requisite, not above four or five that had ever seen soldiers before."—Wallace's Narrative of the Rising at Pentland.—*Ed.*

scouts, and set watches, the work was begun. They could not easily, with the townsmen, and country about, be all in one place, and so they divided into two companies. The foot gathered together upon the High street of Lanark, and Mr. John Guthrie minister at Tarbolton preached unto them. There is an incorrect sermon of his printed, upon "Breach of Covenant:" the title of it bears, it was preached in the (year) 1663. Whether it may not be some notes of the sermon at Lanark, as some conjecture, I know not. After sermon he read the covenants unto them, to which, with uplifted hands at every article, they engaged, with much affection and concern. The horsemen met at the head of the town, and Mr. Gabriel Semple and Mr. John Crookshanks preached. In his sermon Mr. Semple cited, and at some length applied Prov. xxiv. 11, 12. "If thou forbear to deliver them that are drawn unto death, and those that are ready to be slain; if thou sayest, Behold, we knew it not; doth not he that pondereth the heart, consider it? and he that keepeth thy soul, doth not he know it; and shall not he render unto every man according to his works?" When he was insisting upon these words, the hearers were mightily affected; and several did afterwards join the army. After sermons the covenants were read and sworn, as above. At this time, as I suppose, the principal persons among them drew up, and agreed to a short manifesto, and declaration for present use, with a view to draw up a fuller and larger one afterwards. A copy of this paper lies before me; but wanting a date, I cannot be positive when it was drawn up: and it being but short, I shall here insert it.

Declaration of those in arms for the covenant, 1666.

"The nature of religion doth sufficiently teach, and all men almost acknowledge the lawfulness of sinless self-defence; yet we thought it duty at this time to give an account unto the world of the occasion and design of our being together in arms, since the rise and scope of actions, if faulty, may render a thing right upon the matter, sinful."

"It is known to all, that the king's majesty, at his coronation, did engage to rule the nation according to the revealed will of God in scripture; 1666. to prosecute the ends of 'National and Solemn League and Covenants;' and fully to establish presbyterian government, with the Directory for Worship; and to approve all acts of parliament establishing the same; and thereupon the nobility, and others of his subjects, did swear allegiance; and so religion was committed unto him as a matter of trust, secured by most solemn indenture betwixt him and his people.

"Notwithstanding all this, it is soon ordered that the covenant be burnt, the tie of it is declared void and null, and men forced to subscribe a declaration contrary to it; episcopal government, in its height of tyranny, is established; and men obliged by law, not to plead witness, or petition against those things; grievous fines, sudden imprisonments, vast quarterings of soldiers, and a cruel inquisition by the high commission court, were the reward of all such who could not comply with the government by lordly hierarchy, and abjure their covenant, and prove more monstrous to the wasting their conscience, than nature would have suffered heathens to be. Those things, in part, have been all Scotland over, but chiefly in the poor country of Galloway at this day: and, had not God prevented, it should have, in the same measures, undoubtedly befallen the rest of the nation ere long.

"The just sense whereof made us choose rather to betake ourselves to the fields for self-defence, than to stay at home burdened daily with the calamities of others, and tortured with the fears of our own approaching misery. And considering our engagement to assist and defend all those who entered into this league and covenant with us; and to the end we may be more vigorous in the prosecution of this matter, and all men may know the true state of our cause, we have entered into the Solemn League and Covenant, and though it be hardly thought of, renewed the same, to the end we may be free of the apostasy of our times, and saved from the cruel usages persons resolved to adhere to this have met with; hoping, that this will wipe off the reproach, that is upon our nation, because of the avowed perjury it lies

1666. under. And being fully persuaded, that this league, however misrepresented, contains nothing in it sinful before God, derogatory to the king's just authority, the privileges of the parliament, or liberty of the people: but, on the contrary, is the surest bond whereby all these are secured, since a threefold cord is not easily broken, as we shall make it appear in our next and larger declaration, which shall contain more fully the proofs of the lawfulness of entering into covenant, and necessity of our taking arms at this time for the defence of it, with a full and true account of our grief and sorrow for our swerving from it, and suffering ourselves to be divided, to the reproach of our common cause, and sadening the hearts of the godly; a thing we sorrowfully remember, and firmly resolve against in all time coming." It is evident this paper was drawn in haste, and in the midst of other manifold confusions, and yet it contains a very plain and short stating of their cause, and a fair owning of the king's authority. The larger declaration which they promise, I have not seen, and question much if they got it perfected before their defeat at Pentland.

It was at Lanark this rolling snow-ball was at the biggest, all their additions they could expect from the south and west being come up to them. Here their number was judged to be near three thousand, but indeed a company of raw undisciplined men, neither tolerably armed, nor in any order. It was the opinion of many, that if they were to engage with the regular troops, it had been best to have done it here, since after this they melted away very sensibly; and, upon a supposition of their defeat, it would have been much their advantage to have met with it here, where the country was their friends. Indeed further east they had very few, and this the handful who remained felt afterwards. About this time major Kilgour, and Mr. John Scot, minister of Hawick, came from the east to have joined them; but, when they observed their want of order and discipline, they quickly left them.

While they were at Lanark, William Lawrie of Blackwood came up to them. They hoped he was to have joined them, but he undeceived them, and signified he was come from duke Hamilton to commune with them, and to know what they desired, and to prevail with them, if possible, to lay down their arms. Whether this message was real, or only designed for their trial, I know not; but the gentleman produced no documents of any proposals from the duke, and he took not the way to do business, never applying himself to colonel Wallace, or any of the officers of the army, but spoke only a little to Mr. Gabriel Semple, and quickly withdrew. The council of war did not take this well, and afterwards wished they had made him prisoner, since this method he took, looked as if he had come to get information of their power and numbers. Meanwhile, all the country was in motion; every sheriff mustered the heritors and fencible men, and all appeared ready to suppress this open rebellion, as it was termed. Reports and lies were spread to alarm the country, and stir them up against the people now in arms. It was pretended, forty ships with an army from Holland, were landed at Dunbar to assist the Whigs. Such senseless stories were coined to render this small handful odious to the country, and especially to England, who at present were in war with the Dutch. However, as our proverb runs, "after word comes ward;" the first assistance ever this contending party for our religion and liberty got, and their first relief was from Holland, some twenty-two years after this.

Let me now take a further view of the council's procedure at Edinburgh. Upon the 26th of November, they order some suspected persons in Teviotdale to be secured; their names are not in the registers. Ten pounds sterling is ordered out of the exchequer, for paying of horses to be sent out morning and evening to get intelligence. The arms in the castle of Edinburgh are put in order, and some of them sent to Stirling. Cannon are brought down from the castle, and fixed at the gates of the town. The gates are ordered to be shut, and none permitted to come in or go out, but such as had a pass: for which end, guards are set at every gate. No horses are permitted to go off the town; and orders are issued out, that a great many lances and

pole-axes be immediately made, for the use of the government, at Culross, Dumfermline, and other places. November 27th, a letter from the king to the council, comes, approving their diligence in what they had done, and promising further instructions very quickly with the commissioner, and suspending the putting in execution an order lately sent from court, for taking and subscribing the declaration; of which I know no further than what is expressed in the letter, which I have added, in a note.* But it would seem the court began to be sensible, that the violent obtrusion of the declaration, and other impositions, had exasperated the spirits of the country, and put them upon rising in arms; and were willing to desist from these, at least at this present juncture. "The same day the council write a letter to the earl of Rothes at London, signifying, that the rebels are advancing to Edinburgh, and some of them come near Torphichen, and their whole body not far off; that they are determined to maintain the town. Their numbers are said to be about three thousand; their commanders are colonel Wallace, colonel Gray, major Lermont, and some others of no great note; that by their last letters from general Dalziel, they find the rebels shun an engagement; that the general thought to have attacked them in Mauchlin-muir, but they marched eastward to Douglas Castle, near which they continued upon Sunday; that yesterday they were at Lanark, and the general was following them hard." But they take no notice of the king's letter, which this day they receive, and is recorded before theirs to him, being unwilling as yet to suspend the declaration.—That same day the college of justice formed themselves into a company, for defence of the town, and had arms distributed to them out of the castle; and for the further security of the metropolis, the heritors of the Merse, Teviotdale, Tweeddale, and the Forest of Eterick, were called in. 1666.

Monday afternoon, Dalziel with his army came up to Lanark; ere colonel Wallace and his men left it, they were within view of Stonebyres. Now the poor countrymen had little time to deliberate: to march eastward, looked like a plain flight, the general following close upon their rear; yet, chiefly upon the suggestions of some of the common soldiers among them, that West Lothian would join them, and some hopes that the city of Edinburgh would receive them, they resolve to go eastward, and to be at Bathgate that night. A worse step perhaps could scarce have been taken by them; this being plainly to run into a net betwixt two armies, and on the sword point. No friends were at Bathgate to meet them; Edinburgh was all up against them, and Sir Andrew Ramsay the provost is mighty active, and scarce an advocate but is armed *cap-a-pee*, and every thing there is secured. It is a fatal thing in such circumstances to lean to false intelligence; thereupon groundless hopes are entertained, and unhappy measures run into.

That night they came to Bathgate, through almost an unpassable muir, and one of the worst ways in Scotland. The night was extremely dark, and they reached not Bathgate till two hours after daylight was gone, neither was there any accommodation to be had there for men wet and weary, and almost spent with fatigue. About eleven at night

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* *King's letter to the council, November 24th, 1666.*

Right trusty, &c. We have seen your letter of the 17th of this month, with the account of what then you knew of the rebellious insolence at Dumfries: we have also seen the orders you have given for the speedy march of our lieutenant-general, with such of our forces as he should think fit, and for the concurrence of such persons of quality, as live near those places where the rebellion broke out. All which we do very well approve, and doubt not but by God's blessing upon our forces, and your counsels, the mischief of this rebellion shall turn upon the heads of the rebels. And we specially recommend to you all care and diligence for preventing any joining with the rebels; and that you take special care of our castles, and of the prisoners in them: you shall also send us frequent intelligence of what you hear, and that by express packets: and give order that our lieutenant-general keep correspondence with our governor of Carlisle; and that also he send us a frequent account of his proceedings, and direct his letters to Carlisle, to be transmitted to us. We intend very speedily to despatch our commissioner, who shall bring our full directions; and, until he come, you shall suspend the putting in execution your order for the subscribing the declaration; and so we bid you heartily farewell. Given at our court at Whitehall, the 24th day of November, 1666, and of our reign the eighteenth year.—By his majesty's command, LAUDERDALE.

1666. they had an alarm of the approach of the enemy, and at midnight were obliged to begin their march towards the New Bridge. When they came that length in the morning, they looked rather like dying men than soldiers going to a battle. It would have almost made their very enemies themselves to relent, to have seen so many weary, faint, half-drowned, half-starved men, betwixt enemies behind, and enemies before. It was reckoned, they lost that night near half of their small army; and truly, considering the way, season, and weather, it was a wonder the half of them got through: yet, after all, they still entertained some hopes from their friends in the "good town;" and so resolve to march to Collinton, within three miles of it; though they should have known there was an army at Edinburgh, and the general with his army by this time was come to Calder, within five miles of them. Meanwhile, all gentlemen and others who have horses in Edinburgh, are by the council ordered to mount them, and march out, under the command of the marquis of Montrose, to join the general. At Bathgate, the 27th, or early on this day the 28th, Mr. John Guthrie fell into a most violent fit of the gravel, to the greatest extremity a man could be in, no doubt occasioned by the cold, and ill accommodation he had got these days bypast, and was carried off at the desire of all present; and so he was not at the engagement.

This day or Monday, a few gentlemen in Renfrewshire, and their neighbours, had gathered together a small company of horsemen, some call them about fifty, with a design to join colonel Wallace: but when they were gathering, and a little way upon their road, information was given them, that Dalziel was betwixt them and their friends; and upon this they saw good to retire, and dismiss. The captain of this little troop was William Muir of Caldwell, and with him were Robert Ker of Kersland, Caldwell of that ilk, the laird of Ralston, John Cunningham of Bedland, William Porterfield of Quarrelton, Alexander Porterfield his brother, with some others. They had with them Mr. Gabriel Maxwel minister at Dundonald, Mr. George Ramsay minister at Kilmaurs, and Mr. John Carstairs minister at Glasgow. The last, I am told, came with them much against his inclination, and engaged only to obtemperate the importunity of his friends, and not till he had reasoned, as far as was proper, against the project, and very much dissuaded from it. The laird of Blackston, in the shire of Renfrew, was likewise with the foresaid gentlemen, but, it would seem, very accidentally. I am informed, that when they were met at a country house, one of them saw Blackston riding by, as was afterwards known, with a design to have joined Dalziel. Mr. Gabriel Maxwel went out to him, and, after some communing, prevailed with him to join with them: but he was so far from being a friend to the cause they were appearing for, that, I am told, as soon as he heard of the defeat at Pentland, he went to the archbishop of Glasgow, and, upon a promise of pardon, discovered and informed against the rest. I have the following account from other good hands in a different turn, that Blackston came to that meeting, not accidentally, but from a real regard to the cause colonel Wallace was appearing for; that the gentlemen were surprised when he came to them, as knowing his head was not so fully poised, as were necessary for consultations of that nature they were engaged in, and therefore kept their meeting apart from him; that he still hovering about the door, unhappily spied a footman of my lady Rothes's carrying letters to Eglinton: he, out of his ungoverned zeal, laid hold on him, opened the letters, and after perusal of them, and returning them, sent him off: that the other gentlemen were highly offended at him for so doing, and thereupon broke up; and that he himself, afterwards reflecting in cold blood on what he had done, thought fit to redeem his own neck by accusing his neighbours. The reader will find him afterward led as a witness against the rest very early: and December 1st, in the council registers I observe, "—— Maxwel of Blackston, and —— Houston his servant, compeared and delated the laird of Caldwell, and several other gentlemen, to have risen in arms for assisting the rebels." The council confine him to his chamber in

Edinburgh; and upon the 6th of December, they take off his confinement, upon a bond of a thousand pounds sterling, to appear when called. It was remarked, that after this providence frowned very much upon him, and every thing went cross. This he himself is said to have acknowledged, in a paper he left behind him, when, a good many years after this, he went for Carolina, but he died at sea by the way.

Some of the many sufferings of those worthy gentlemen concerned in that meeting, may be hinted at afterwards; but I am sorry so few accounts of them are come to my hand: if they escape the sword at Pentland, because not there, they did not escape the persecutors' fury in a very little thereafter. Their houses were rifled, themselves forfeited and exiled. The estate of Caldwell, the best by far of any concerned in this affair, is given to general Dalziel, upon a sentence passed in absence, forfeiting him for being upon the road to join colonel Wallace. The times were so ill, the gentlemen durst not personally compear, otherwise very relevant defences might have been proponed. This good man died in exile, leaving his excellent lady, and four orphans, destitute of all visible means of subsistence: some of their hardships will offer afterwards: I only remark here, that the lady Caldwell had a dowry ensured to her according to her rank, out of the estate of Caldwell: but having neglected to take infeftment upon her contract, before the forfeiture, she lost that, and was forced to live with her children in great straits. Kersland's good estate was given to lieutenant-general Drummond. In their hands these two estates contiuned until the revolution.

But to return to colonel Wallace and his decreasing army, when they are in the way to Collinton, the laird of Blackwood came up again to them, as sent by duke Hamilton, to entreat them to lay down their arms in hopes of an indemnity, which the duke promised to endeavour to procure. This gentleman concurred very earnestly with the duke's proposal. The colonel, and these with him, did not think they were out of their duty, and were much set upon presenting the grievances they and the country lay under, in order to have them redressed; and nothing of this being in the overture made, they could not fall in with it, and dismissed Blackwood, signifying they hoped for other things from him; and came to their next stage at Collinton. When it was too late, there they found, that none of their friends in Edinburgh, or the east country, would stir; many were hearty well-wishers to them, but few had clearness to take up arms in such circumstances; and those who had, found all the avenues stopt, and could not possibly appear. Here both their hopes and counsels were at an end. When at this pass, Blackwood comes a third time, and with him the laird of Barskimming, to renew the former proposal, withal signifying he had obtained the general's word of honour, for a cessation of arms till next morning, and that he had undertaken as much for them. Finding themselves now very much disappointed, and in a very ill taking, at length they condescend in their council of war, to name a commissioner to go back with Blackwood to the general, and treat with him in their name. Their commissioner being outlawed, Blackwood and the other gave it them as their opinion, that the gentleman proposed would not be acceptable; therefore they conclude to write to the general, by the two come from him. The letter was drawn, and signed by colonel Wallace. I have not been able to come by a copy of it, but am told it contained a representation in short of their sad oppression and heavy grievances, a declaration of their design to apply to the council for redress, and their desire of a pass for one of their number, that might represent their grievances and desires more fully. They concluded with a request, that Blackwood might return to them with the general's answer, as soon as might be. Instead of this, Dalziel, upon receiving of their letter, despatches Blackwood in all haste to Edinburgh, to lay the letter before the council, and writes with him his own sentiments, and an account of his present circumstances. How this was received at Edinburgh I have no further accounts than the following letter to the general, which I find in the council books, dated this day. It appears to be

1666.

1666. writ after the accounts of a begun action, between the general and colonel Wallace, were reached Edinburgh: and I insert it here.

"Right honourable,

"The letter dated at Killeith (Kenleith) this day, from the earl of Newburgh, bearing the letter sent from one Wallace to your excellency, was read in council, and the proposals made in that letter considered, wherewith they are no ways satisfied. And because they seem to ground themselves upon the proclamation, they have sent one of the printed copies, whereby it will appear there is no such thing held forth, as they pretend unto: and all they can expect from it, is, that if they should lay down their arms, and come in to your excellency within the time appointed, they might petition for mercy. We are glad to hear your excellency hath now engaged the rebels, we hope in a short time to have an account of them, which shall be welcome news to

"Your humble servant,

"St. Andrews, I. P. D. C.

"November 28, 1666."

Whether the general, by sending this letter to the council, had any view of favour to the country people, I shall not determine: but it would appear all was trick and amusement, till he should come up with the colonel and his men, since no return was made to them, as they desired, nor the least hint given them, of the sending their letter to the council; and so, notwithstanding of all the assurances given of a cessation of arms, he marches his army straight towards them. Colonel Wallace and his men, notwithstanding of this imperfect sort of treaty, resolve on the best retreat they can, for their own safety, and sustenance in the meantime; and turning by the east end of Pentland Hills, they resolve on the way to Biggar. From Colliston they march to the House in the Muir; and from thence to the fatal spot called the Rullion Green, where they draw up the dispirited remains of an army, not exceeding nine hundred weary spent men. The reason of their forming themselves there, was not any view of a battle, for they were still in some hope of a peaceable conclusion, from Blackwood's negotiation; but merely to review the state of their poor companies, and to prevent straggling.

The order Wallace put his men in, was this: upon the backside of a long hill running south and north, he divided his men into three bodies. Upon the south of the hill there was a low shoulder, upon the north a high and steep shoulder. Upon the low shoulder southward he placed a small body of horse, under the command of Barscob, and the Galloway gentlemen: in the centre were the poor unarmed foot, under his own command; and upon the left stood the greatest part of his horse, under the command of major Learmont. This handful were scarce well put in this posture, when they were called to other work than a review. An alarm comes that a body of horse is approaching them. At first they pleased themselves, that it might be some friends coming to join them: but quickly they found it was Dalziel's van, who had cut through the ridge of Pentland Hills, and come straight from Calder towards them, quite undiscovered till they were within a quarter of a mile of them, upon a hill opposite to them. There was a great descent and hollow betwixt them, so they could not meet on that side. When they had viewed each other for some time, Dalziel sends out a party of about fifty horse to squint along the edge of the hill, and attack their left wing. Wallace orders out captain Arnot with a like number of horse, to receive them. The captain came up with the general's detatchment upon a piece of level plain ground. After both had spent their fire, they closed upon the sword point, and fought it very stoutly for a good while. At length, notwithstanding all their advantages, Dalziel's men run; and had it not been for the difficulty of the ground, their loss had been far greater than it was. Divers fell on both sides; and of the captain's party Mr. John Crookshanks, and Mr. Andrew M'Cormock, two ministers who had come from Ireland, and had very much encouraged the people to this undertaking.

Upon this little advantage, Wallace advanceth with a party of foot towards the

body of the enemy's horse, they being on a ground, upon that side inaccessible by horse. This obliged them to shift their station, and to draw up on a bank or rising ground a little more easterly; and there they continued till all their foot came up. These being arrived, the general advanced towards Wallace, and drew up his whole army upon the skirt of the same hill, whereof the colonel had the ridge, which is called the Rullion Green. Being thus posted, the general orders out a great body of horse, attended with some foot, to attack the wing commanded by major Learmont. To meet those, Wallace orders out another party of horse flanked with foot. After firing on both sides, they close one upon another, and Wallace's foot force Dalziel's to give way, and his horse run also. A second party of horse, the same way, come from the general upon the same wing, and a second party meet them with the same success, and chase them beyond the front of their army. But a third body of horse, for the general had abundance to spare, coming up, made Learmont's men retire up the hill to their first station: and thus the dispute is mostly upon the left wing of Wallace's army. When they had acquit themselves so gallantly, Dalziel advances his whole left wing of horse, upon the colonel's right, where he had scarce thirty weak horse to receive them. These were soon borne down, and the general carried the charge so briskly that all Wallace's companies gave way, were put out of their order, and never able to rally again. The slaughter was not very great. The colonel had happily placed his men, and most of them were upon the top of the hill, and got the easier off. It was almost dark night before the defeat; and the horsemen who pursued, were most part gentlemen, and pitied their own innocent and gallant countrymen. There were about fifty of the countrymen killed, and as many taken prisoners: a very few of Dalziel's men were killed, but several wounded.

After I had formed the above narrative of this rising and defeat, there came to my hand a very distinct information of this affair, from an old reverend minister, who was present with Colonel Wallace's army for the most part, and in the action; which containing several particulars I have not met with elsewhere, and being but short, I have insert it here. 1666.

Information sent to the author of this history, as to the rising in Galloway, dissipated at Pentland, November 1666, *by a minister present with the country army.**

"I was prevailed upon by Mr. Welsh, minister of Irongray, and some others, to join with that party in Galloway, sore oppressed by the inhumane cruelties of Sir James Turner, for their nonconformity to abjured prelacy. A little while after they had seized Sir James, that his cruelties in that corner might be stopt, and when they were resolving to march to Edinburgh, to represent their grievances, you know, they were broken at Pentland Hills, many of the prisoners were executed, and those of any note who escaped were forfeited in life and fortune in absence, most illegally. In this Sir John Nisbet, king's advocate, was most active, and fearing after inquiries, he procured an act of the first parliament after, approving this piece of injustice.

"The country people who came to Dumfries, were commanded by Andrew Gray, and John Neilson of Corsack, and by a surprise apprehended Sir James Turner in his chamber in Bailie Finnie's. They soon after marched to the west country, having sent messages to their acquaintances in the neighbouring shires to assist them.

"I took with me major Learmont, son-in-law to the laird of Annstoun, who lived near me, an officer of skill, great resolution, and courage. We met our friends on the hills above Galstoun. It was found necessary to halt a little in that country, till we should see if friends would join. Some went to Mauchlin, others to Tarbolton: the major and I went next day with about fifty horse to the town of Ayr to take up quarters. The magistrates fled, but we hearing where one of them was, obliged him

* This minister evidently was Mr. William Veitch, settled after the revolution, first at Peebles and latterly at Dumfries, where he died in the month of May, 1722.—*Ed.*

1666. to give billets for seven or eight hundred horse and foot. Here worthy Mr. Hugh M'Kail turned sickly, but recovered.

"From Ayr we marched up the water toward Douglas, and from that to Lanark. Meanwhile, Dalziel and his forces were come west, to meet us, the length of Strathaven; but hearing we were got betwixt them and Edinburgh, they came close after us. When we came to Lanark, I know not if we were much above fifteen hundred horse and foot; several indeed were daily joining us.

"There we had accounts the general would be upon us that night. Presently a council of war was called, of officers and gentlemen, who communicate advices with the ministers. By the generality it was thought safest to bide at Lanark, the rains having made Clyde unpassable, except by boats, which were broken; and there was no great probability of the river's falling, and a few men might have prevented the king's forces to come through it to us: but a letter at this time came to Mr. Welsh and Mr. Semple, from a gentleman at Edinburgh, who was a real friend, pressing us to come as near that place as might be, and giving hopes both of assistance and other necessaries. This altered the first project, and the army marched straight to Bathgate, under many inconveniencies; and there being no accommodation there, we went forward to Collinton.

"There I was pitched upon to go in to the town, and converse with that gentleman, if possible. When I came thither, all the roads were guarded, and my lord Kingston with some forces, keeping the main guard at Brandsfield-links. Having taken by-roads till I came to Libberton Way, I was stopped at the Wind-mill, and carried to my lord Kingston. I made a shift to satisfy him, by desiring two soldiers to go with me to the dean of Edinburgh, Mr. Lawrie, and he would know me. My lord was very civil, and told me, Mr. Lawrie and his friends would be retired for safety to the Castle, and dismissed me, which was a very providential deliverance to me; for just as I was going off, I saw Mr. Hugh M'Kail brought in prisoner to my lord. I lodged in the Potter-row, but could have no access into the town, all the ports being shut, and saw nobody that night, save old Mr. Arthur Murray, a minister turned out of his charge in Orkney: his wife essayed to get into the town with a verbal message to the gentleman, but by no means could be admitted.

"Next day, I went, through many difficulties, to our friends, who were now come from Collinton to Pentland Hills. When I had passed Roslin-muir, and was come to Glencourse water, I fell in almost with an advanced party of the king's horse; but was relieved by the rear of our friends.

"By this time, November 28th, a fair frosty day, after a sore night of frost and snow, when colonel Wallace got intelligence, that general Dalziel was coming from Currie through the hills, and a considerable party of our men were upon a hill, commanded by Barmagachan, and Mr. Crookshanks, and Mr. M'Cormock, two Irish ministers were with them.

"In about half an hour, lieutenant-general Drummond, with a select party, were sent against us upon the hill, but were beat off with some loss; though the general assured those about him, that party would do our business, and the rest needed only stand and see fair play. When the lieutenant-general was driven back, there was no small confusion among the army, and not a few threw down their arms; yea, Drummond himself owned afterwards to Mr. James Kirkton, from whom I have the account, that if we had pursued the chase, in the confusion they were under, the general's army might have been ruined. Mr. Crookshanks and Mr. M'Cormock were both killed in this rencounter.

"Major Learmont commanded the second attack, when we beat the enemy again, and duke Hamilton narrowly escaped, by dean Ramsay's warding off a blow a countryman was just giving the duke. The general sent up a party who relieved the duke, beat back the major: his horse was shot under him, and falling, he stepped back a little to a fold-dike, and killed one of the four horsemen who pursued him, mounted his horse, and came safe off from the other three.

"The last encounter was after sunset,

when the general's foot, flanked with their horse upon all hands, overpowered us, broke our ranks, and we gave way. Our horses not being trained, was a great loss to us. Many more had been killed and taken, had not the night prevented it. I fell in with a whole company of the enemy, who taking me in the dark for one of their number, carried me down the hill a little with them in the pursuit, till I got to a side, and having a sturdy horse, turned off from them, and was pursued, but happily escaped."*

It is scarce worth while to take notice of the misrepresentations the English historians give of this rising and engagement. That party-writer of the caveat for the Whigs, published toward the close of the last reign, in order to corrupt the commonalty of England, and dispose matters for the present attempt of the pretender (1715) hath as many lies as words almost in his account of this matter. He pretends this rising was in concert with the Whigs in England, and the republicans in Holland; whereas it was entirely unconcerted. He talks of the leaders of their troops being tailors, and outed preachers; that five hundred of them were killed at Pentland, and near a hundred executed. So gross misrepresentations need no reflections.

Mr. Eachard, Hist. of England, vol. III. in his accounts of this matter, hath copied several of the blunders formerly printed by his countrymen. He insinuates a correspondence betwixt the presbyterians in Scotland and those in England, without the least proof; and indeed it was not capable of proof, such a correspondence not being practicable, considering the circumstances narrated above. His bite upon major Learmont, that he had been formerly a tailor, is not worth noticing.† I know not what truth is in the fact; but I could give instances of tradesmen in their youth, who have gone into the army, and proved eminent in the art of war; and the major's bitterest enemies owned him to be a very good officer. What follows is a plain falsehood, that most of their officers were cashiered preachers. And though several of the outed ministers were in company with the west country army, there was not one of them an officer or had any command over the soldiers. Presbyterian ministers leave those things to another set of clergymen, who claim the privilege of a double capacity, and act in it where they see it for their interest; and, under pretext of their temporalities, can make a shift to be princes palatines, members of parliament, lords high treasurers, plenipotentiaries, presidents of the privy council, and what not. Mr. Eachard has known very little of the story, when he talks, they were met in the height of their power by the king's forces. A third part of those who had been together the day before the engagement, were not at the battle; and, considering all things, it was much so many of them kept together. Those things indeed are scarce worth the observing, were it not, if possible, to prevent other subsequent historians from copying after Mr. Eachard, as he has done from those that went before him, in our Scots affairs, to which they have been very much strangers. 1666.

Those remarks upon Mr. Eachard, relate

* Mr. Veitch has recorded a still more extraordinary escape, that he had upon the Friday following, on the night of which, he had gone upon some business to the house of his landlord, the laird of Auldstain or Austane, who, was father-in-law to major Learmont. In hopes of finding this latter gentleman, Dalziel's troop of dragoons, were in the very act of surrounding the house, when Mr. Veitch approached. Being attired in a country habit, the same as a common peasant, he went boldly forward to one of his neighbours, who was holding five of the troopers' horses, and accosting him familiarly by his name, inquired what he thought of the weather, or, if it was to be snow. His neighbour with the same presence of mind, accosted him by the name of Willie, and gave him two of his horses to hold, which he did till the search was over, when, with his bonnet under his arm, he held the stirrups to the troopers mounting their horses, who, immediately rode off, without suspecting who had been their assistant. Vide Life of Veitch, by Dr. M'Crie, pp. 45, 46.—*Ed.*

† Law in his memorials has stated, that Learmont was a tailor to his trade, (p. 216,) on what evidence does not appear; but it is certain, that he was proprietor of the lands of Newholme, which lay partly in the shire of Peebles and partly in the shire of Lanark. [Sampson's Riddle, 48.] After his forfeiture for being in the rising at Pentland, his brother-in-law William Hamilton of Wishaw, writer in Edinburgh, in consequence of a composition obtained a donation of the estate of Newholme, for the behoof of his family.—M'Crie's Life of Veitch, &c. pp. 79, 480.—*Ed.*

1666. likewise to the author of the Complete History of England, whom, in Scots affairs the archdeacon pretty closely follows; only the bishop hath an ill-natured turn, the rigid presbyterians, says he, were as mutinous as the popish tories in Ireland. This must be reckoned a spiteful, as well as an ignorant comparison, since, as the presbyterians were not as yet, with any colour of reason, to be divided into rigid and not rigid, they all, without exception, owned the king's authority, and submitted to every thing save episcopacy; so there was no mutiny in the case, but horrid oppression from the soldiers hounded out by the prelates, which this author might have known from Naphtali, and other printed accounts, and so spared this odious comparison.

After this engagement, November 28th, 1666, the country people were very cruel to the poor fleeing men. Many of them were killed, and severals taken prisoners by the people in the parishes round about. I am well informed, that some visible judgments of God did come upon some of them for their cruelty and murder. Colonel Wallace and Mr. John Welsh fled over the hill northward; and when they had turned their horses from them, entered into a countryman's barn that night; and, after some very refreshing rest, got off undiscovered. We shall afterwards meet with Mr. Welsh about his Master's work. The colonel, after some wanderings, got over to Holland, and lived many years there; but never returned to his native country.

Thus was this body of good people broken and dissipated. It was next to a wonder, and can scarce be accounted for, except from the goodness of their cause, that they were so brave on this day of their defeat, if either the constitution or circumstances of such an army be considered. They were but a small handful of untrained, undisciplined countrymen, who had never seen war; they had very few officers, and these had little authority. Every private man in such a gathering, readily must either be let into the secrets of the council of war, otherwise he is in hazard of clamouring his neighbours in the company into a mutiny, and then of deserting upon a scruple. So hard a matter did admiral Chattilon find it to command an army of volunteers. And the inexpressible hardships the poor people had been under for some time before their engagement, heighten the wonder. The commanding officer, colonel Wallace, was a gentleman, a good soldier, bold and resolute; but such an undertaking was for a man of miracles. Their enemies very much commended their gallantry and courage; and yet under such disadvantages as they had to wrestle with, they could not but give way. Two parts of their company had deserted them; they were perfectly spent and wearied, and surprised under a begun treaty, and overpowered with numbers of fresh horse and men, many of them disciplined troops, and none of them under their difficulties and discouragements. They always protested and declared, their only design was to present their grievances, and testify for their God and their country, for religion and liberty; and herein holy and infinitely wise providence accepted of them, and smiled upon them, albeit not in a way of victory and success, yet in the road of noble and unshaken steadfastness and suffering, which turned very much to the advantage of the interests they appeared and testified for.—This account shall be concluded with the letter the council wrote to the king, the day after this engagement.

"May it please your majesty,

"Since the first notice we had of the late insurrection in the west, we have from time to time given an account of it, and the proceedings against it, to the earl of Rothes, to be communicated to your majesty: and now we presume, by this humble and immediate address, to make known to your majesty, that yesterday in the afternoon, the general, and noblemen with him, and your forces under his command, gave them a total rout at the south side of Pentland Hills, about seven miles from Edinburgh. Many of them were killed in the field. There be several prisoners, against whom there shall be speedy proceedings, according to the laws against traitors: and if night had not prevented your majesty's forces in the pursuit of the rebels, none of them had escaped.

And although this rabble be totally dissipated for the time, yet we conceive ourselves obliged, in the discharge of our duty, to represent unto your majesty, that those principles which are pretended as the ground of this rebellion, are so rooted in many several places through the kingdom, and there be such just grounds of apprehensions of dangers, from persons disaffected to your majesty's government, as it is now established by law, as will require more vigorous application, for such an extirpation of it as may secure the peace of the kingdom, and due obedience to the laws: and we shall not be wanting in any thing in our power; and your majesty's commands shall be obeyed by

" Your majesty's most, &c.

" MONTROSE,	" ST. ANDREWS.
HADDINGTON,	REGISTER,
DUMFRIES,	ADVOCATE,
SINCLAIR,	JUSTICE-CLERK,
HALKERTON,	LEE,
BELLENDEN,	NIDRY,
PRESIDENT,	SIR R. MURRAY.

" Edinburgh, Nov. 29th, 1666."

This letter breathes forth a spirit of cruelty peculiar to the president and prelates. I make no reflections upon it: they fairly own the prejudice generally prevailing now against the prelates for their oppression, and inclinations toward a freedom from that yoke; and seek further severities, and a standing army. But I come now to give account of the sufferings of those taken at Pentland.

SECT. III.

Of the sufferings and execution of such who were taken at Pentland, with some reflections upon their death.

HAVING given an unbiassed account of this rising, as far as my materials would carry me, I come next to offer some short narrative of the cruelties exercised upon so many of this broken party, as came into the managers' hands. Many came to be sharers with them in sufferings, who had not been up in arms with them, as may afterwards come to be noticed.

Now the prelates made a terrible clamour, and took care to load the whole body of presbyterians, ministers, and people, as concerned in this rising; and misrepresented them as rebels, enemies to the government, and what not: and a handle was taken from this appearance in arms which was very far from being any concert among presbyterians through the nation, to violent and bear down all of that designation, ministers and people, as common enemies. 1666.

The utmost care had been taken, before and after the battle, to prevent their escape. Upon the country peoples' moving from Collinton, the council sent one Patrick Murray to Tevoitdale, to acquaint the heritors, the rebels were moving eastward, and all the passes were appointed to be guarded. Immediately after the engagement, they send expresses to Berwick, to stop the rebels who came to the borders; and likewise order earls Annandale, Nithsdale, and lord Drumlanerk, and others in that country, to keep the forces together they had raised, in order to apprehend the rebels upon their return. Also the forces at Linton Bridge, are ordered to keep together till Saturday's night. Next day, November 30th, the lord treasurer is ordered by the council, to secure all the goods and rents belonging to any of the rebels indicted or to be indicted, and to intromit with them; with a reservation of their dues resting to their masters: and all hazard being now well nigh over, the council give liberty to all the forces in the Merse, Tevoitdale, and the Forest, (Ettrick Forest) in Dumbarton and Stirling shires to dismiss.

After all this care in the council, now managed by the primate, I need scarce notice, that the difficulties and hardships of many who had got off from Pentland with their lives, were very great: not a few who had escaped the sword at Rullion Green, were most cruelly murdered by the country people; the common people, in many places about, wanted the bowels of men, not to say Christians, toward the scattered party. Yea, so inhumane were some, as to break in upon the graves of those who had been buried, that they might get the linen some good people in Edinburgh had provided to bury them in; and multitudes were forced

1666. for many years to lurk and hide themselves, and undergo inexpressible hardships, having their life as it were, every day in their hand.

To render their life more uneasy, and to involve others who should show them the least favour, a proclamation comes out, December 4th, which I have insert as a note.* There is a reference made here to their former proclamation, making it treason to assist, supply, or correspond with any that had risen in arms; and that no subject may harbour, reset, hide, or conceal any of them, or they must be brought to trouble therefore. The names of about sixty are set down; and the proclamation adds, "or any others who concurred or joined in that rebellion;" with certification, that all who fail herein, shall be reputed guilty of their crime. The hardships of this are plain, and likewise the uselessness of inserting so many of their names; since converse &c. with such who are not named, runs a person as deep in guilt, as with such as are named. I shall make no reflections on the list in the proclamation. John Semple is named among the ministers, and every one was ready to take it for John Semple, minister at Carsfairn, whereas he was no way concerned in this business. Accordingly, I find this pious plain man, upon the 13th of December, petitioning the council, "that whereas one of the same name with him, is insert in the late proclamation, as among the rebels, whereby he and his family living peaceably these fifteen months at Currie, in their old age, he being sixty-four, and his wife seventy years, are brought to great trouble, craving redress." Which being found true, the council permit him to live still there, and

* *Proclamation discharging the receipt of the rebels, December 4th, 1666.*

Charles, by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, to all and sundry our lieges and subjects whom these presents do or may concern, greeting: forasmuch as, upon the first notice given to our privy council, of the rising and gathering of these disloyal and seditious persons in the west, who have of late appeared in arms, in a desperate and avowed rebellion against us, our government and laws, we declare them to be traitors, and discharged all our subjects to assist, reset, supply, or correspond with any of them, under the pain of treason: and the said rebels and traitors being now, by the blessing of God upon our forces, subdued, dissipated, and scattered, and such of them as were not either killed or taken in the field, being lurking in the country; and we being unwilling that any of our good subjects should be ensnared or brought in trouble by them, we have therefore, by the advice of our privy council, thought fit again hereby to discharge and inhibit all our subjects, that none of them offer or presume to harbour, reset, supply, or correspond, hide or conceal the persons of colonel James Wallace, major Learmont, —— Maxwell of Monrief younger, —— Maclellan of Barscob, —— Gordon of Parbreck, —— Maclellan of Balmagachan, —— Cannon of Burnshalloch younger, —— Cannon of Barley younger, —— Cannon of Mordrogget younger, —— Welsh of Skar, —— Welsh of Cornley, —— Gordon of Gavery in Kells, Robert Chalmers brother to Gadgirth, Henry Grier in Balmaclellan, David Stot in Irongray, John Gordon in Midton of Daily, William Gordon there, John Macnaught there, Robert and Gilbert Cannons there, —— Gordon of Barelder in Kirkpatrickdurham, Patrick Macnaught in Cumnock, John Macnaught his son, —— Gordon of Holm younger, —— Dempster of Carridow, —— of Dargoner, —— of Sundiwall, Ramsay in the Mains of Arniston, John Hutchison in Newbottle, —— Rew chaplain to Scotstarbet, Patrick Liston in Calder, William Liston his son, James Wilkie in the Mains of Cliftonhall, the laird of Caldwell, the goodman of Caldwell, the laird of Kersland, the laird of Bedlandcunningham, —— Porterfield of Quarrelton, Alexander Porterfield his brother, —— Lockhart of Wicketshaw, —— Trail, son to Mr. Robert Trail, David Poe in Pokelly, Mr. Gabriel Semple, John Semple, Mr. John Guthrie, Mr. John Welsh, Mr. Samuel Arnot, Mr. James Smith, Mr. Alexander Pedin, Mr. —— Orr, Mr. William Veitch, Mr. —— Patton, Mr. —— Cruikshanks, Mr. Gabriel Maxwell, Mr. John Carstairs, Mr. James Mitchell, Mr. William Forsyth, or any others who concurred or joined in the late rebellion, or who, upon the account thereof, have appeared in arms in any part of that our kingdom; but that they pursue them as the worst of traitors, and present and deliver such of them as they shall have within their power, to the lords of our privy council, the sheriff of the county, or the magistrates of the next adjacent burgh royal, to be by them made forthcoming to law: certifying all such as shall be found to fail in their duty herein, they shall be esteemed and punished as favourers of the said rebellion, and as persons accessory to, and guilty of the same. And to the end, all our good subjects may have timous notice hereof, we do ordain these presents to be forthwith printed, and published at the market-crosses of Edinburgh, Ayr, Lanark, Glasgow, Irvine, Wigton, Kirkcudbright, Dumfries, and remanent market-crosses of our said kingdom: and we do recommend to the right reverend our archbishops and bishops, to give orders that this our proclamation be withall possible dilligence read on the Lord's day, in all the churches within their several dioceses. Given at Edinburgh, the fourth day of December, and of our reign the eighteenth year, one thousand six hundred and sixty-six.

confine him to that place, and four miles about it.' The laird of Caldwell, and his neighbours before mentioned, had no legal evidence against them, of their being up in this rebellion. I have been informed, several here named were not concerned at all in the rising; and Mr. John Crookshanks was killed, and nobody in hazard of reset or converse with him. It may be of some more importance to observe, that upon December 1st, the council without any previous trial, give orders to general Dalziel, "to search for and apprehend all persons and their horses, who have been in arms with the rebels, or are suspected since, or before the defeat, or who have reset, or being aiding to them, and to intromit with their goods; and require him to quarter upon their lands with his forces; and duke Hamilton is appointed to seize all such in Lanarkshire." This is three days before the former proclamation, which is pretended to be so much for the good of the lieges; and surely these orders were either unreasonable, or the proclamation very useless, unless it be to convey down to posterity, the names of those who made so gallant a stand for their most valuable concerns.

Together with this proclamation, I find in the council registers an act of the same date, against presbyterian ministers, entitled, "act against deposed ministers." It runs thus, "The lords of his majesty's privy council being informed that there are many deposed ministers who have transgressed the act of council, of the date August 13th, 1663, in not removing themselves and families out of their respective parishes, where they were incumbents, and not residing within twenty miles thereof, six miles of Edinburgh, or a cathedral church, and three miles of any royal burgh, whereby they ought to be proceeded against as movers of sedition: therefore they require the archbishops of St. Andrews and Glasgow to ordain all bishops within their several sees, to cause all ministers within their respective dioceses, give up a list of such ministers' names, and of the place of their residence, and in what manner they have transgressed the said act, and report to the archbishops, and they to the council." It hath been formerly remarked, that *obedience to this act was next to impossible;* and now the primate reckons it a good season to harass his (once) brethren, and hound out the army upon them, in order to throw the odium of this rising upon them, when meanwhile they were living peaceably. 1666.

I shall make one observe further, before I come to give account of the severities upon such who were taken at Pentland; and that is, this disaster, and the cruelty following on it, not only was matter of great grief and heartbreak to the most part of any piety and seriousness through Scotland, but really hastened some to their grave. One instance shall suffice, of that worthy old minister Mr. Arthur Murray, who was upon the matter a sufferer with those worthy persons, unto death. This good and aged man was living in the suburbs of Edinburgh, through which Dalziel's soldiers marched in triumph. When he opened his window, and saw them display their banners, and heard the shouts of the soldiers triumphing over the prisoners, he was struck to the very heart, took his bed immediately and died in a day or two.

But leaving those accessory sufferers, I come to those who were taken in the engagement itself. The prisoners, about fifty in number, who were taken at the battle, were brought in by the soldiers to Edinburgh, and the country people brought in about thirty more; they were all crowded together by the magistrates of Edinburgh, in a place near the tolbooth, called Haddocks Hole, which of late is turned to a better use. The late French king, I am told, turned the noble and capacious church at Charenton, near Paris, to a draughthouse; and this place out of which those innocents were taken, as sheep for the slaughter, is since converted to a church. Some of the better sort were put into the tolbooth, and as the council promise in their letter to the king, "very quick despatch was made of them." Bishop Sharp the president, pushed violently the prosecution and execution of the prisoners; and indeed his bloodthirsty temper at this time made him very odious. I am well informed, that after some of them were condemned, and a few executed, a letter

1666. came down from the king discharging taking any more lives. This letter came to the primate as president, and ought to have by him been communicate to the council; but the bloodthirsty man kept it up, till as many, as he had a mind should die, were despatched.* This foul act of his he was very justly charged with, by the persons who some years after this, took away his life; and when he cried pitifully for mercy, he was told, that as he never showed mercy to others, so he was to expect none from them. This base breach of trust was of a piece with another step he took about this time. When the country people were rising in the south and west, he wrote up a letter to Lauderdale or Rothes, to be communicated to the king, wherein he signified, that all went well in Scotland, and that every man was in his duty, except the few fanatics who were in arms, whom he feared not. At the same time he wrote a letter to another nobleman at court, wherein he asserted all was wrong, scarce any were faithful to the king, and they were all sold. Both the letters of the same date, were read to the king, who now saw his dishonesty and double face, which he would never believe before, although he had several hints of it given him. After this, I am told, the king never gave him that credit he had with him before, and trusted him very little.

However, at this time, with a great deal of willingness he presided in council. When they met, the first thing before them was, what they should do with the prisoners. It seemed very natural to think they had their lives spared by the king, in as much as they had quarters given them, by such who had the king's commission to kill or to save alive; and Grotius, *De Jure Belli et Pacis*, determines, *fides est etiam rebellibus servanda*: but this reasonable and merciful construction, agreeable to all the rules of war, was too moderate for our cruel bishops, and what their party in council would not hear of. And so in the first letter writ when the prisoners were brought in, the president according to his cunning way of doing business, shuffled in the clause we have seen in their letter to the king, to prelimit their procedure, "that they would prosecute them with all despatch." When this matter came to be reasoned at the council table, Sir John Gilmour the best lawyer among them, declined peremptorily to give his judgment, knowing, as was then said, that if he gave his opinion for taking of their lives, he would go against both law and conscience; and if he voted for sparing them, he would offend both the president and prelates. It fell very unhappily to one of the best of the counsellors, to give it as his opinion, when others were silent, that though the prisoners had their lives given them in the field as soldiers, yet this did not prejudge their trial in law as subjects. This was greedily backed by the president, and insisted on as an oracle, and gone into by the council, such who were against it inclining to be silent; and the council remitted them to the criminal court. They say that general Dalziel, when he had the accounts of this, cursed and swore terribly, and said, were he to serve the king never so long, he should never bring in a prisoner to be butchered.

Accordingly I find the council, upon the 4th of December, order the king's advocate to pursue a process of forfeiture against eleven of the prisoners, who were picked out for the first bloody sacrifice: major John M'Culloch, a reverend old gentleman, captain Andrew Arnot, brother to the laird of Lochridge, Thomas Paterson, merchant in Glasgow, who was sentenced with the rest, but died of his wounds in prison; the two Gordons of Knockbreck, John Parker in Busbie, Gavin Hamilton, James Hamilton in Kilmuir, John Ross in Mauchlin, John Shields in Titwood, tenant to Sir George Maxwell of Nether-pollock, Christopher Strang, tenant in Kilbride. Those are to be indicted before the criminal court, or rather two criminal judges, for treason and rebellion: and the council allow them Sir George Lockhart, Sir George Mackenzie, Mr. William Maxwell, and Mr. Robert Dickson, for advocates. So upon the same day, Sir John Hume of Renton, justice clerk, one of the

* Burnet says this letter was sent by Burnet, archbishop of Glasgow, and that it was by him kept up till after the execution of Mr. Hugh M'Kail.—Burnet's History of his Own Times, vol. i. p. 348.—*Ed.*

greatest zealots for the prelates in Scotland, and Mr. William Murray advocate, justice depute, sit down as their judges, in the tolbooth of Edinburgh. They heard the advocates plead a little for form's sake; but very quickly they came to sentence, finding them guilty, and ordering them to be hanged at the Cross of Edinburgh, upon the 7th of December.

That the reader may have a full view of the reasonings *pro* and *con.*, and the method taken with these worthy persons, I have inserted at the foot of the page the whole of their process, extracted out of the records of the criminal court, and the council's act as to the disposal of their heads and arms.* This extract is in print in a begun account of the sufferings of these times, entituled "Sampson's Riddle." That work being stopt in Holland, by the gentleman's death who was at the charges of it; and that imperfect part of which was got printed, being but in the hands of a few, I have here, in the Notes, taken several original papers relative to the sufferers at Pentland, from it, after I had collated them with the justiciary records. In the meantime, to satisfy the reader's longing, he may here take a short account of that process from the unsuspected hand of Sir George Mackenzie, in his Criminals, Part II. Tit. 16. Par. 2d. "The most considerable military questions, saith he, which I remember in all the adjournal books, are 1666.

* *Process against captain Andrew Arnot, &c. December 4th*, 1666.

The process and indictment of these first ten martyrs of Jesus Christ, who (besides Thomas Paterson who died of his wounds in the tolbooth) suffered together at Edinburgh, December 7th, 1666.

Curia justiciaria S. D. N. regis, tenta in prætorio burgi de Edinburgh, quarto die mensis Decembris, 1666, per dominum Joannem Hume de Rentoun, justiciariæ clericum, et Gulielmum Murray advocatum, justiciarum deputatum.

Curia legittime affirmata.

INTRANT.

Captain Andrew Arnot,
Major John M'Culloch,
Gavin Hamilton in Mauldslie in Carluke parish,
John Gordon of Knockbreck,
Christopher Strang tenant in Kilbride,
Robert Gordon brother to John Gordon of Knockbreck,
John Parker walker in Kilbride parish,
John Ross in Mauchlin,
James Hamilton tenant in Killimuir,
John Shiels in Titwood.

You, and ilk one of you, are indicted and accused for that, albeit by the common law, and the law of nations, and the law and practick of this kingdom, and many clear and express acts of parliament, the rising of his majesty's subjects, or any number of them, and the joining and assembling together in arms, without command, warrant, or authority, and specially, when the same is not only without, but against, and in opposition to his majesty's authority and laws, are most horrid and heinous crimes of rebellion, treason, and lese-majesty, in the highest degree, and all persons committing, and guilty of the said crimes, or any wise accessory thereto, or who doth abet, assist, reset, intercommune with, or keep correspondence with such rebels, or any wise doth supply them in any manner of way; or being required by proclamation, or otherwise, doth not rise with and assist his majesty's lieutenant-general, and others having power and authority, for repressing these rebels, ought to be proceeded against, and severely punished as traitors, conform to the laws and acts of parliament of this kingdom: and in particular, it is statute and ordained, by the third act of king James I. his first parliament, that no man openly or notourly rebel against the king, under the pain of forfeiting life, lands, and goods; and by the twenty-seventh act of the said king James his second parliament, it is statute, that no man wilfully reset, maintain, nor do favour to open and manifest rebels, against the king's majesty, and common law, under the pain of forfeiture; and by the fourteenth act of king James II. his sixteenth parliament, entituled, "that no rebel against the king's person or authority," it is statute, That whosoever doth rebel against the king's person and authority, or makes war against the king's lieges, that they should be punished according and after the quality of their offence and rebellion; and by the twenty-fifth act of the said king James II. his sixth parliament, entituled, "sundry points of treason," it is statute, That if any man commit or do treason against the king his person or authority, or rise in feir of war against him, or resets any that has committed treason, or supplies him in help, red or counsel, shall be punished as traitors; and the hundred and forty-fourth act of king James VI. his twelfth parliament, it is statute, That wherever any declared traitors or rebels repair in any place of this realm, none of our sovereign's lieges shall presume to reset, supply or intercommune with them, or to give any relief or comfort; and that, immediately upon knowledge of their repairing to the bounds, all his highness's obedient subjects do their exact diligence in searching and apprehending the said traitors and rebels, and that with all speed they certify his majesty, or some of his secret council, or some chief persons of authority and credit within the shire, that such rebels are within the same, under the pain that the said traitors and rebels ought to sustain, if they were apprehended, and convict by justice: likeas by the fifth act of his majesty's late parliament, and first session thereof, it is declared, that it shall be high treason to the subjects

1666. first, that which was debated December 5th, 1666, the case whereof was: some west country men had formed themselves in an army, and were declared traitors by the council, and being thereafter beat at Pentland Hills, captain Arnot, major M'Culloch, and others, were taken by some of his majesty's inferior officers upon quarter:

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of this kingdom, or any number of them more or less, upon any ground or pretext whatsomever to rise, or continue in arms, to make peace or war, or make any treaties or leagues with foreign princes or estates, or amongst themselves, without his majesty's special authority or approbation first interponed thereto; and his majesty's subjects are discharged, upon any pretext whatsomever, to attempt any of these things under the said pain of treason: and by the seventh act of his majesty's foresaid parliament, and first session thereof, all his majesty's subjects are discharged and inhibited, that none of them presume, upon any pretext or authority whatsomever, to require the renewing or swearing the league or covenant, or of any other covenant or public oaths, concerning the government of the church or kingdom, without his majesty's special warrant and approbation, and that none of his majesty's subjects offer to renew, or swear the same, without his majesty's warrant as they will be answerable at their highest peril: nevertheless, ye, and your complices, shaking off all fear of God, and conscience of duty, allegiance and loyalty to his sacred majesty, your native and sovereign prince, and natural tenderness to your country, have most perfidiously and treasonably contravened the said laws and acts of parliament, and committed the said crimes in manner after-specified: in so far as this his majesty's ancient kingdom, having for many years suffered and endured all the calamities, miseries, tragical effects and consequences of a civil and intestine war, and foreign usurpation; and now, after his majesty's happy restitution, beginning to recover, of so long and wasting a consumption, through the blessing of God, and his majesty's incomparable goodness and clemency, having by an act of oblivion secured the lives and fortunes of you and others, who were conscious to themselves, and might have justly feared to be under the lash and compass of law and justice; and when his majesty and his good people had just reason to expect security and quiet at home, and assistance against his enemies abroad; yet ye and a party of seditious persons, retaining and persisting in your inveterate disloyalty and disaffection to his majesty's government and laws, did take advantage and opportunity of the time, when his majesty was engaged in a chargeable and bloody war with divers his neighbour princes and states, being jealous of and envying his majesty's greatness and prosperity, and the happiness of these kingdoms under his majesty's government, and having contrived and projected a most horrid insurrection and rebellion, tending to involve again his majesty's kingdoms in blood and confusion, and to encourage and strengthen his enemies, did rise, convene, and assemble yourselves together in arms, and, upon the —— day of November last, did march to, and enter within his majesty's town of Dumfries, in an hostile manner, with your drawn swords and other arms, and did beset the house where Sir James Turner, one of the officers of his majesty's forces, was lodged for the time, and did violently seize upon the said Sir James his person and goods within his lodging, and did detain and carry him about with you captive and as a lawful prisoner taken from an enemy, and did search for and would have taken the minister of the said town, if he had not escaped; and while ye were in the said town, ye and your complices did many other acts of insolence and rebellion, and having in manner foresaid, openly avowed and proclaimed your rebellion, in so public and insolent a way, to the great contempt and affront of authority, ye and your complices, in pursuance thereof, by yourselves and others your emissaries and instruments, sent up and down through the country, of purpose to be trumpets of your sedition, did convocate his majesty's people and subjects, and did endeavour to stir them up and persuade them to join in the foresaid rebellion, and did seize upon the persons, horses, and arms, and plunder and rifle the goods and houses of divers his majesty's good subjects, and in special of faithful and loyal ministers, and by seditious sermons, insinuations, and other practices, did so far prevail within the stewartry of Kirkcudbright, and shire of Wigton, and shires of Ayr, Lanark, and other western shires, the many persons flocking and resorting to you, ye had the boldness to send a considerable party to his majesty's town of Ayr, and did seize upon and take all the arms were there, and not being content to proceed to the height of rebellion in manner foresaid, ye and your complices did presume to regulate your monstrous and irregular rebellion, in the formality and frame, and under the name and notion of an army, and to form and model yourselves in troops, companies, regiments, and to name captains of foot, commanders of troops, and other officers, under the command of James Wallace of Achens, Joseph Learmont, and other persons of known disaffection to his majesty and his government; and though his majesty's lieutenant-general did march speedily for repressing the said rebellion and insurrection, and his majesty's privy council did emit and issue a proclamation, declaring the said insurrection to be a manifest and horrid rebellion, and high treason, and commanding the said rebels to desist and lay down arms; with certification, if they should continue in their rebellion, they should be proceeded against as desperate and incorrigible traitors, and discharging all his majesty's subjects to join, reset, supply, or intercommune with them, and commanding them to rise and join with his majesty's lieutenant-general, and the forces under him, under the pain of treason; yet ye and your complices did obstinately continue, and march in arms through the country with your modelled army, as if you had been an enemy, and in capacity to encounter, and dispute by arms with your sovereign lord and his forces, and did in a warlike and hostile manner and posture, enter within his majesty's town of Lanark, and there upon Monday the 26th of November last, to palliate your rebellion with the colour of religion, did renew and take the oath of the covenant, and thence did march,

but being pannelled before the justices as traitors, it was alleged for them, that they could not be put to the knowledge of an inquest before the justices, because they having been modelled in an army, and taken in the field fighting as soldiers, they behoved to be judged by the military law, and by that law such as get 1666.

quartering all alongst upon, and oppressing his majesty's subjects, until ye had the boldness and confidence to approach within two miles of his majesty's city of Edinburgh, where his majesty's judicatories and lords of his majesty's privy council and session were sitting for the time; and having quartered all night within the parish of Collinton, at so near a distance from the said city, ye and your complices, upon Wednesday the 28th of the said month of November last, did dare and presume to encounter, engage, and fight his majesty's army and forces, under the command and conduct of his majesty's lieutenant-general, and other officers, at Pentland Hills, and did wound and kill in the said fight and conflict, divers of his majesty's good subjects, and did all ye could to destroy his majesty's army, until, by the mercy of God, and conduct and valour of his majesty's lieutenant-general, and other officers and soldiers under him, ye were vanquished, routed, and dissipated, in doing of which, and one or other of the said deeds, ye have committed and incurred the crime and pain of treason, and are guilty of being authors, actors, abettors, and accessory to the said rebellion, and are art and part of the same, and therefore you, and ilk one of you, ought to be exemplarily punished with the loss and forfeiture of life, land, and goods, as traitors to his majesty, to the terror and example of others to commit the like hereafter.

PURSUERS,

Sir John Nisbet of Dirleton, knight, his majesty's advocate.

PROCURATORS IN DEFENCE.

Advocates, Sir George Lockhart, Sir George Mackenzie, Mr. William Maxwell, Mr. William Hamilton, Mr. Robert Dickson.

My lord advocate produced an act, and ordinance of his majesty's secret council, bearing that the lords of his majesty's privy council, ordained Sir John Nisbet his majesty's advocate, to pursue with all diligence a process of forfeiture, before the justices, against Thomas Paterson in Glasgow, major John Maculloch, John Parker, walker, John Gordon of Knockbreck, Robert Gordon his brother, John Ross in Mauchlin, John Shiels tenant to Sir George Maxwell, Gavin Hamilton, Captain Andrew Arnot, James Hamilton in Killimuir, and Christopher Strang, prisoners in Edinburgh, for their late rebellious insurrection against his majesty. *Extr.* by

PET. WEDDERBURN.

Compeared Sir George Lockhart, Sir George Mackenzie, Mr. William Maxwell, Mr. William Hamilton, and Mr. Robert Dickson, advocates, and produced an act of his majesty's privy council, dated at Edinburgh the fourth of December instant, granting power and warrant to the forenamed persons, to compear and plead for all those persons who are to be impannelled before the justices, upon this day, for rebellion. *Extr.* by

PET. WEDDERBURN.

ASSISA.

Sir Alexander Urquhart of Cromarty,
Sir Harry Hume of Heidrig,
Sir Lawrence Scot of Clerkington,
Sir Alexander Forbes of Tolquhone,
John Hume, servitor to the earl of Hume,
Walter Forbes of Blackton,
Adam Hepburn of Humbie,
Alexander Sandilands, merchant in Edinburgh,
John Johnston, merchant there,
William Hay, merchant there,
Walter Burn, merchant there,
John Lyon, merchant there,
John M'Gill, merchant there,
James Cowan, merchant there,
George Graham of Cairny.

Mr. William Maxwell for the pannels alleges, the pannels cannot pass to the knowledge of an assize upon this indictment, nor no process against them upon this citation, because this being an indictment of treason, all charges to be given to persons so indicted, ought to be by a lyon herald, pursuivant or macer, and is so ordained by act of parliament, James VI. p. 12. cap. 125. in anno 1492. But so it is that thir pannels are not charged by heralds, pursuivants, or macers, conform to the act, and therefore are not obliged to answer. My lord advocate answers to the allegance, that it ought to be repelled, as no ways relevant, because the act of parliament doth militate only in the case, when any person is charged by letters of treason, to deliver their houses, or do any other thing under the pain of treason, and doth not militate in the case of citations, and specially in this case, where the parties are imprisoned; and the daily uncontroverted practick is opponed, there being nothing more ordinary than the person guilty of crimes, and especially of treason, and being in hands and prison for the same, should be brought to trial without any other formality or citation, but giving them a dittay. Sir George Lockhart, for the pannels, replies, that the defence stands relevant, notwithstanding of the answer, because the act of parliament is opponed, which bears the express reason thereof, to be founded upon the importance and weightiness of the crime of treason, which equally militates, whether the parties accused of such crimes be in prison, yea or not; and practice and custom has cleared the sense of the said act of parliament: for it is notour and known, that all indictments of treason, before the last act of parliament, given to parties accused thereof, albeit in prison, yet was done by heralds and pursuivants, as being the solemnity required by the said act; and there is no warrant from the act of parliament, to restrict it to the case of charging for delivery of houses, or the like. Sir George Mackenzie, for the pannels, says further, that the defence stands relevant, notwithstanding of the answer, seeing an indictment is a summons and citation; and the act of parliament is opponed, declaring, that if any other execution of treason shall be otherwise executed, the same shall be null; and the particle any, comprehends all, and therefore

1666. quarter in the field, are by that quarter secured therein for their lives, and cannot be hereafter quarrelled. To which it was replied, that there can be no quarter but where there is a *bellum justum*, and it is not the number nor form of the army, but the cause that makes *bellum justum;* and public insurrections of subjects

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the act is conceived in the same terms, as if it had said expressly, that all executions of treason, not executed in manner foresaid, shall be null: and Skene does explain the same in manner foresaid; neither can the act of parliament be restricted to executions anent delivering of houses, seeing, after that part of the act is finished, this begins with a new distinction and *item*. My lord advocate replies, The former answer, and act of parliament opponed, being clear and express anent charges and executions under the pain of treason; whereas the dittay and charge given to the pannels, bears no certification that they should appear under the pain of treason, and cannot be subsumed, conform to the act of parliament, that the execution in question is an execution under the pain of treason; and for the citation, the time of the late parliament, it cannot be obtruded, because such solemnity, if any was used before so high a judicatory as the parliament, was unnecessary and superfluous, and *superflua non nocent*, and cannot be urged as a practick. Mr. William Maxwell, for the pannels, duplies, That the defence stands relevant, notwithstanding of the replies, that whereas it is alleged, that the act is only where there is a certification under the pain of treason; but this dittay bears no certification of such a pain: it is answered, that the dittay concludes the pain of treason; so that the certification and conclusion are *idem;* and there is no letters for treason, or indictment for treason, but the pain and certification is treason; and so the defence stands good from the act of parliament. And whereas it is alleged, that the citations before the parliament by heralds, the parliament being so supreme a judicatory, was superfluous; it is answered, The parliament being a supreme judicatory, they might the better dispense with it, and yet all these charges was by lyon-heralds; but the justices, in their proceedings, are tied to *proceed conform* to the laws of the kingdom.

The justices repel the allegance proponed for the pannels, in respect of the reply.

Sir George Lockhart, for the pannels, alleges, that the dittay cannot be put to the knowledge of an assize, whereupon to infer and conclude the pain of death against the pannels, because, always denying the dittay, yet albeit the pannels had been accessory to the acts and deeds of rebellion libelled; yet, as it is acknowledged by the dittay itself, they did frame and model themselves in the notion of officers, regiments, companies, and were assaulted by his majesty's lieutenant-general, and forces, who, by virtue of his capacity and commission, he, and all officers and soldiers under his command, might, and *de facto* did, upon the taking and apprehension of the pannels, grant them quarter, whereupon they were taken, and laid down their arms; and which quarter being *publica fides*, and offered and granted to the pannels in manner foresaid, should be inviolably observed, and secure them as to their lives. My lord advocate answers, That the former allegance ought to be repelled, as most irrelevant, and having no ground and foundation in law: and as to that

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pretence that is acknowledged in the dittay, that the pannels, and their complices who joined with them in the late rebellion, did model themselves in companies and regiments, and in an army; it is most absurd to infer from that, which is libelled as an heinous aggravation of their presumption and rebellion, that they should have had the boldness as to put, or think themselves in a capacity to dispute by arms with their sovereign lord and master, should be a ground of defence or extenuation. And as to that assertion, that the general, and not only he, but his inferior officers, and the meanest of his soldiers, was in a capacity to grant quarters, and to secure the lives of rebels and traitors: it is a most unwarrantable and illegal assertion, and, with all respect to the gentlemen that oppone the same, it is answered, that it is an allegance most derogative to his majesty's royal power and prerogative, who only has power to remit crimes, and in special treason, the greatest of crimes; so that either to assume, or to give and prostitute so high a prerogative, to any other persons, and especially to officers and common soldiers, it does reflect upon his royal majesty, unless it were relevantly alleged, that his majesty had, by his commission, given so high power expressly to his general and soldiers, to remit and secure the lives of traitors, which cannot be fancied, much less alleged: and as to the point and pretence of quarters, and that *ipso facto* thir persons being found in arms, got quarters, and were secured as to their lives, even in other cases, it is not questionable; and though, *ex honestate*, it may be pretended, that in *bello justo* the persons that are taken upon quarter may be spared, yet, *ex necessitate*, there is no obligation to that purpose, except when an express capitulation and *deditio*, and explicit paction to that effect is exprest; but in this case, it is without all question, where there is not *bellum justum*, but *perduellio*, there is not *hostes*, but *proditores*, there is not the least shadow of pretence for the plea of quarters, except his majesty had expressly empowered his general, and all under him, to secure the lives of rebels subdued by them. And that we are not in the case of *bellum justum*, which is only betwixt princes or states that have no dependance one upon another, and cannot debate and decide the difference but by the law of arms; and *bellum est inter pares, judicium in subditos*. And that in this case there is no *jura belli*, either *postliminium*, quarters, or such like; seeing, by the common law, *resistentia subditorum* is altogether forbidden as unlawful; and they are not *hostes* but *prædones*, and by the law of this nation, and specially the acts of parliament that are cited in the dittay, it is not war or *bellum*, but treason in the highest degree, for any number of his majesty's subjects to rise in arms, without (though it were not against) his majesty's authority, as in the case of this rebellion; so that seeing we are not in the case of *bellum*, this pretence being founded upon a pretended *bellum justum*, is most irrelevant, specially, being considered, that his majesty's council, in pursuance

against their prince, are rather sedition than *bellum;* and these insurrections being treason, none can remit treason but the king, and therefore quarter could not be equivalent to a remission; but all the effect of quarter in this case is to secure these who get the same, from present death. To which it was duplied, that all 1666.

of their duty, for repressing the said rebellion and treason, has emitted a proclamation founded upon the common laws, and the laws of the kingdom, declaring the same to be rebellion and high treason, and commands the rebels to lay down arms; with certification, that if they should continue in arms, they should be holden and proceeded against as desperate and incorrigible traitors, and should be incapable of all mercy or pardon.

Sir George Mackenzie, for the pannels, alleges, that the pannels, and such as appear for them, (except Arnot, for whom they do not allege the getting of quarter,) do, with all submission to his majesty's prerogative, propone both the foresaid defence and this duply, intending to assert his majesty's prerogative, by sheltering themselves under his mercy, and acknowledging that his power is so great, that the meanest of his soldiers can give quarters; and, without debating the justness of the war, which they here decline, it is alleged for them, that *capti in bello*, abstracting from *justum or injustum*, are in its latitude capable of quarter, and quarters being given them by such as are listed soldiers, doth secure them as to their life, seeing *eo ipso* that soldiers are commissionate and listed, they have power for that which is necessarily inherent in their employment, and quarter uses to be valued *jure belli*, when given by the meanest soldier; for such only use to give quarter, general persons and superior officers not being ordinarily in use to take prisoners: so that seeing these had power to give (which is only here controvertible) when given, it is valid, without debating the justness of the war; for seeing any of the pannels, being then in arms, might have disputed and defended his own life, and might have possibly reached the lives of the greatest that opposed them, in accepting of quarters, and laying aside these arms, they have in effect ransomed their own life, and exchanged it in favours of his majesty and his forces, with the lives of others: and many lawyers debating this subject, call this a transaction, and that it should be kept upon that account, as namely, Grotius in his 11th chap. 14th parag. 3d book, where he debates this case indefinitely; and *Claudius da Cotte, de jure et privelegiis militum, Paris De Puteo de re militari.* And in reason, soldiers, who may defend their own life, are not obliged, nor is it in use when quarters are offered them, to seek the granter's commission, seeing *nec mora patitur, nec est consentaneum naturæ actum*, private soldiers being in use generally to grant the same; and what is customary *semper inest*, except it be expressly forbidden, and the prohibition so known to the transgressors that they are thereby put in *mala fide*. And the difference betwixt *quando justum et injustum*, lies not here, seeing the reason of quarter is the sparing, in prudence the blood of the one party, and conserving, in humanity, that of the other, the one whereof is at least common to both *bellum justum et injustum*, but the difference is, that in *bello justo* prisoners taken (though without quarter) cannot be killed, but in *injusto* they may, except they have quarter, and that quarter is given betwixt king and subjects, when formed once (whether justly or unjustly) in modelled armies, which is offered to be proven by persons that understand that trade, to have been actually allowed betwixt the Hollanders and the king of Spain, betwixt the protestant Rochellers in France and the king, and allowed by his majesty's forces in the hills, and the rebellious English, though there was no just war among those parties, upon the ground foresaid; neither is it debated that any but his majesty can grant remissions; but in listed soldiers their giving of quarters, his majesty doth in effect give it: and seeing neither armies nor soldiers could subsist without quarter, *quando aliquid conceditur, omnia concessa videntur, sine quibus principale concessum consistere nequit;* and as the council for seen reasons, might, without express warrant from his majesty, have secured, upon submission, the lives of those prisoners, so might much more soldiers, whose proper trade and calling it is.

Sir George Lockhart, for the pannels, answers further, that the foresaid reply for the pannels, founded upon the offering of quarters, and the pannels accepting of the same, stands relevant, and is no way elided by the foresaid answer; and that there may be no mistake of what the pannels and their procurators plead, under the terms and notion of quarters, it is condescended that quarter, mentioned in the defences, proponed and understood in thir terms, viz. that the pannels being in arms and actual resistance, and not in the power of the takers, did give up their arms, and became in the power of the takers, upon the granting of quarter, and that quarter so given, should in law operate the security of the lives of the persons so taken, is evident and apparent, in so far as it is a transaction and paction, and *fides data est accepta*, and accordingly fulfilled upon the part of those who were taken: and in law, all pactions and transactions being *justitiæ commutativæ*, it abstracts and does not consider the quality and merit of persons, but the terms, sense, and meaning of such pactions and transactions. And whereas it is pretended, that the granters of quarters, specially mean soldiers, had no power to do the same, as intrenching upon his majesty's prerogative; it is answered, that it ought to be repelled, because what his majesty's officers and soldiers did act, consequently and suitably to the nature of their offices, and to the exercise of their duties, did flow from, and was warranted by his majesty's authority: so that they ought no to be contradistinguished, the authority of his majesty's officers and soldiers being derived from his majesty, as the fountain of the same: but specially in this case, where first, before they did enter in fight, there was no discharge nor prohibition as to the granting of quarter, but on the contrary, the lieutenant-general and all the officers being present, were witnesses to the granting of quarter, and thereby the same were not acts of simple soldiers, but acts warranted and authorized by the knowledge and allowance

1666. who get quarter from any who are authorized to be soldiers, are by that quarter secured against that authority from whom these soldiers derive their power; and these who get the quarter, are not to dispute whether these soldiers had a sufficient power to give quarter, or whether *bellum* be *justum* or *injustum*, for that were

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of persons having supreme commands. And as to that part, that there was not *bellum justum* upon the part of the pannels and their complices, it is answered, that the pannels do with all submission and humility acknowledge the same, but the consequence that can be inferred thereupon, is not that quarter given should not be observed, but that quarter might have been justly refused; and there is no doubt but *jura belli*, which do naturally arise, without express covenant and paction cannot be extended to this case; *but notwithstanding* thereof, where quarter was granted in manner foresaid, it cannot be so interpret in law or reason, as to be a snare to any who were resisting the power of the granters, justly or unjustly: and it is a common and known distinction *inter deditos et captos*, the first being in the case of a simple surrender, which can import no more but at most a submission upon mercy, but is far otherwise in the case of persons taken upon the express terms of granting and accepting quarter; and that this position is neither absurd nor illegal, nor destitute of the authority of eminent lawyers, and the practices of most famous and military nations, may appear from the judicious and learned Grotius, who has writ *ex instituto*, and most excellently upon the same subject, which he entitles, *de jure belli et pacis*; and who in his 19th chap. 3d book, entitled, *de fide inter hostes*, 6th parag. after having premised what does import *fides*, which he resolves not only to be inferred from writ and words, but even from sense known and customary, he does expressly state this question, *quid ergo dicemus de subditorum bellis, adversus reges aliasque summas potestates?* Where he resolves the question upon the former ground, that paction and transaction do abstract from the quality and demerit of persons, that *illis etiam fides data servanda est, et generaliter fidem datam servandam etiam perfidis*; and the reason is clear, because there is no apparent reason why the granters of quarters, having interponed their faith, should violate the same. And as to that pretence, that none grant quarters but those who remit the crime of treason, it is answered, that it is humbly conceived there is a vast disparity; for in the act of remission of either the crime of treason or any other, it is *pura oblatio*, and the sole act of the granter; whereas the granting of quarters is by way of paction and transaction, in *impetu et furore belli*, and in contemplation whereof, the persons, supposing themselves secured as to their lives by quarter, became in the power of the granters without resistence. And as to that ground, that his majesty, by the authority of the lords of his privy council, did emit a proclamation declaring, that the convocation libelled was a rebellion, and that all who were accessory thereto, if they did not lay down their arms, should be incapable of mercy; it is answered first, that this proclamation was not intimate to the pannels, nor did consist in their knowledge; yet suppose it had been known, it cannot elide the quarter granted to the pannels, because notwithstanding of any such proclamation, his majesty's officers and soldiers did grant the same long after the emitting of the proclamation; and the pannels were in *optima fide*, finding his majesty's officers and soldiers willing, who cannot be supposed but to have known his majesty and the lords of his privy council, their sense and meaning of the proclamation, which behoved to have restrained them from giving of quarter; yet notwithstanding, seeing the same was granted the pannels had reason to believe that they were sufficiently warranted to that effect, and have rested upon their faith in accepting the same; and albeit by proclamation they were declared incapable of mercy, that neither in reason or words can be interpreted to the case of quarter, which was not an act of simple mercy, but upon paction and transaction. Sir George Mackenzie adds to this former allegance, that pactions betwixt king and subjects, though they cannot be forced, and it is rebellion in subjects to require them, yet being once made, they not only are ordinarily kept among all nations, but his majesty who now reigns, having made with the greatest of the rebels a more dishonourable paction, did observe the same, viz. the parliament 1649, which his majesty ordered to be observed by an express order.

My lord advocate answers and triplies, Imo, Though we were in *bello*, as we are not, and in the case of quarter, yet the allegance is no ways relevant as it is proponed and qualified, and it is not condescended, what persons did give quarters to the pannels or any of them, nor in what terms; and to infer quarters and impunity from the naked taking of the pannels, and because they are prisoners, it is without any law or reason, seeing the pannels might have been overpowered and taken; and it is to be presumed, that his majesty's army being more numerous and victorious, that they were overpowered and vanquished, and that they were not taken either upon an express or an implicit condition or capitulation, and the rebels being routed, it cannot be thought that his majesty's officers and soldiers, and persons of such valour, would have given quarters, upon account of a pretended transaction, and in order to their own safety, and that they would owe their lives dishonourably to traitors. 2do. The former answer is repeated, and it is most evident, that we are not in the case of quarters, and though, where there is *bellum*, and where there is the relation of *hostes*, it may be pretended that quarters ought to be observed, with abstraction from the quality of the difference of the war, whether just or unjust, as when war betwixt his majesty and any his neighbour princes and estates, though it be unjust upon the part of these enemies, quarters may and ought to be kept; yet in this case where there is no *bellum* but *rebellio et proditio et læsio majestatis*, where there is not *hostes* but *prædones*, such as all persons are, that are in the condition of the pannels, who perfidiously do rise up against their sovereign lord, there can be no pretence for any privilege of *jus belli* and of quarters: and as to that pretence, that *fides publica est servanda*, it is without all question,

in effect to destroy quarter in all cases, and to make all such as take up arms, to be desperate and irreclaimable, and the power of giving of quarter is naturally inherent in all soldiers as such: and as the council, without express remission from the king, upon submission, might have secured their lives, so might soldiers by 1666.

that when *fides* is given by an express treaty, not only between his majesty and any other stranger, princes, or states, but betwixt his majesty and his subjects, by an act of pacification or any other treaty, ought to be observed religiously; but we are not in the case where *fides publica* is given either by his majesty, or any authorized by him, and having express power to that purpose, and that his majesty's general, or his officers or soldiers, has power to grant any such *fides*, unless the commission were express to that purpose, is *petitio principii*, and is altogether denied, and that the most that quarters can import in this case, though it could be made out that quarters were granted, is, that the general, or his officers and soldiers, by granting of quarters might have secured them as to that which were in their power, viz. that they should not then be presently cut off; but that they should have secured them from that which was not in their power, from the just stroke of justice, is altogether denied. And as to the pretence of transactions, and the reasons and arguments adduced for the pannels to that purpose, if there were any weight therein, the most it could operate, were to be motives for making a law to that purpose, that his majesty's officers, *eo ipso*, that they are in power to serve under him, should have power by granting of quarters, to secure the lives of traitors; but there is no such law; and a general being commissionate, and having gone to suppress rebels, without any hint to the purpose foresaid, the defence being neither founded on the common law, nor upon laws nor acts of parliament known in this country, is most irrelevant, specially being considered that it is an undoubted principle, that treason, being of so high a nature, cannot be remitted but by an immediate grant and remission of his majesty under the great seal, or some person having commission under the great seal expressly. As to the authority from the lawyers mentioned in the allegance, they are but the opinions of private men, and do not amount to the authority of a law, specially in this kingdom, there being clear and express acts of parliament and fundamental laws, that his majesty's lieges and people should be governed and judged by his majesty's laws allenarly, and not by the laws of any nation, and much less by the simple opinions and school dictates of lawyers: likeas, the said authorities, though they were of any weight, they do not meet nor quadrate the case in question, in respect they are only the case of *bellum*, as said is, or when there are express and public transactions, by treaties, edicts, or acts of amnesty and oblivion. And Grotius, though he might be suspect, as being the subject of an estate who had shaken off the government of their prince; yet he is most clear in the case, that there is no *bellum* betwixt *subditi* and their sovereign lord, and that *resistentia subditorum* is *vetita omni jure*, and cannot pretend to the *jura* and rights and privileges of war, unless the sovereign authority be pleased to condescend so far, as to capitulate expressly and treat with the subjects; and it is a most groundless pretence, that of a transaction between the general, or any soldiers or officers as to the matter of quarters, seeing it cannot be said that the general had power to transact by an express capitulation betwixt him and the rebels; and it is without all question, that the general could not have secured the rebels of this army, by a transaction by himself, without express warrant from his majesty, or from his council; and consequently seeing by a downright and express transaction of treating, he could not secure traitors, it is gratis and without warrant asserted, that he, and much less his officers and common soldiers, could, by a pretended implicit transaction, secure and indemnify traitors; and it is without all question, notwithstanding of the pretences in the contrary, that the general had no power to grant the said security, if his commission had related to quarters, as it could not do in this case, having to do with rebels and traitors, and not with an enemy; and if his commission had been express, that he should not have power to secure the rebels by quarters, but that they should be altogether incapable of mercy, no person could have the confidence to assert, that he would grant quarters in the case foresaid; and it is clear that we are in a stronger case, seeing the general had no such commission and power to grant quarters; and the council, by their proclamation foresaid, does declare the rebels, as said is, incapable of pardon; which being intimate to the general, and being sent to him, and intimate to all persons concerned, by proclamation, to plead in pretence of *ignorantia* or *bona fides*, is most frivolous and unwarrantable, seeing *ignorantia juris nemini prodesse debet*; and it is their own fault, if, being engaged and busied in their rebellious course, they did not come to the knowledge of the said proclamation, being founded upon the common law, and the law of the kingdom; it being a principle of both, that traitors are *nulli*, and no men in the construction of law, as to any benefit and capacity of any pretended transaction. And as to the instances from the practices of Spain, Holland, France, and other kingdoms, they do no ways quadrate in this case, the same being, as said is, of *publica edicta*, and express treaties and transactions; in respect of all which the defence ought to be repelled.

Mr. William Maxwell for the pannels, quadruplies, That whereas it is answered, that the defence is not definitely qualified, nor condescended upon the persons granters of quarters, and in what manner, it is answered, That it shall be condescended upon in writ who granted the same, being listed soldiers and officers under the general; and as for the manner, the same was in usual form that quarters are granted, viz. assurance of their lives from those who granted quarters. Next, where it is alleged, that quarters cannot be presumed to have been granted, his majesty's army being victorious and the other party routed, who alleges to have gotten quarters, it is answered, that no supposition can be admitted against a positive defence, which is offered to be proven. As for the third, whereby it is alleged there can be no quarters sustained as

1666. quarter, for they have as much power in the field as the others at the council table. 2dly, Lawyers are very clear that quarters should be kept, though

lawful; but where the war is just, which cannot be in this case between his majesty's general and the rebels: it is answered, that the pannels oppone their former answer, and add that the question is not here in the lawfulness of the pannels' quarrel, but whether or no his majesty's lieutenant-general, being constitute as a general, by his commission, could give quarters or not; which the pannels maintain he had power to do, being his majesty's lieutenant-general, by commission, neither needed any such express power be insert in his commission, for giving of quarters, because *inerat* in his commission, and every listed officer and soldier under him, he having the said commission, the like power, as any other prince's general, and others under him, has; and to hold the contrary it seems strange, for it was never called in question in any nation heretofore, nor did ever his majesty, or his royal father, call in question the quarters granted by their general officers, or listed soldiers under him in the fields, but esteemed the same ever sacred, to be kept even unto these, who were in a model of an army of rebellion in the time; and if quarters should not be kept, but elided by a secondary way of pannelling the persons receivers of the quarters, it should both intrench upon the word of the general, his commission, and soldiers, to whom hereafter none may give trust, especially in a matter of so high concernment, after their lives are secured to them by quarters. And as for the allegance, that the general could not treat or assure them by a public transaction, without the consent of his majesty or his council, the pannels first leave that to the consideration of his majesty and his secret council, if the general being clad with a commission from his majesty, has not power to treat, to grant quarters, or receive any of those who are in rebellion, to peace, wherein his commission is ample and not restrictive: the pannels answer no further, but oppone the amplitude of the commission, the constant course observed by his majesty and his father's generals of before, the assurance given for their lives by the quarter, and the dangerous consequence may ensue thereupon. And whereas it is alleged, that the pannels being traitors, the quarters cannot operate for them, to exeme them from the trial, and inflicting the punishment conform to the law of the kingdom; and there is no law that can warrant their rebellion, or exeme them from the punishment due to rebels: it is answered, that the case now in debate is, whether quarters given to persons modelled in an army in the fields, if they having received quarters, there being no law to discharge their general to give quarters, if they did not lawfully accept thereof, he lawfully grant it; for albeit the laws of this kingdom rule in time of peace amongst all the subjects, but in the time of war, where there are two armies in the fields, there the law of arms takes place, and the law of nations whereupon the faith given in quarters is founded, must be kept, and never was broken. And as for the allegance, that if the general had been restrained by the commission to give quarters, the quarters given by him

given to subjects who are rebels. Grotius, lib. iii. cap. 19. where, after he hath fully treated that question *de fide servanda*, concludes, that *fides, data etiam perfidis et*

could not be respected, and that it is alleged the case is alike here, there being a proclamation emitted by the council, declaring the pannels' actings to be rebellion, and that they were commanded by the same, to lay down their arms within a certain space, otherwise to be proceeded against as the worst of rebels and traitors, and not to have mercy: it is answered, First, That proclamation does no ways derogate to the general's commission, which remained as absolute as before, so long as he remained in the fields; nor does the council, by the said proclamation, discharge him to give quarters, thereby to retrench the power of his commission. Secondly, The proclamation could not be known to the pannels, who could not have access to the market cross where the same was to be promulgate, proclamations at market crosses being the course of making known the council's pleasure in peaceable times; but the course of war is, when two armies are in the fields, the one sends a trumpet with a proclamation to intimate the same. Thirdly, They not knowing the proclamation in the time of the conflict, and the pannels being required to lay down arms, showing it was the council's will, and quarters being given thereupon, as they would have had a good defence, if they had laid down arms within the time prescribed by the proclamation, if the same had come to their knowledge; so likewise in this case, being intimate to them the time of the quarters, and they having given obedience thereto, upon assurance of their lives, ought not to be broken; in respect whereof the defence stands relevant, notwithstanding of the former triply.

Sir George Mackenzie, for the pannels, adds, that the subject matter of this debate is the law of arms, and there being no express positive law to regulate the same, it is offered to be proven, by such as understand the law of arms, that quarter is allowed where subjects in arms rise against their prince, though given but by private soldiers, except there be an express prohibition in the contrary: likens, it is offered to be proven by the general, lieutenant-general, and other officers, that in this case, they either gave quarter, or allowed the giving of quarter, and that honour being concerned, it is hoped, that the justices will advise with the council, by whose commission they acted, and against whose order this debate will infer he has malversed; and it is not known upon what account he thought himself authorized to give or allow the giving of quarter, of which he himself can only give an account; and all the lieges in the nation are here concerned, seeing in all subsequent and supervenient broils, every man, to make sure, shall cut his neighbour's throat, so that the innocent shall have no defence, and rebels shall be fortified in their courage; and necessity, which legitimates all other acts, in the opinion of such as, in *furore belli*, consult with nothing but with their safety, will obdure them much more than formerly, and of ordinary rebels make them insupportable traitors and rebels; and that place in the Kings, spoken of by one of the prophets to a king of Israel, is here remembered,

rebellibus subditis, est servanda. And this hath been observed in the civil wars in Holland and France; and by his majesty and his father at home during the late troubles. 3dly, Quarter is advantageous to the king, and so should be kept; for these who are taken might have killed his majesty's general and officers, and 1666.

"wilt thou take the life of those whom thou hast taken by thy bow and sword?"

Mr. William Maxwel, for the pannel John Shiels in Titwood, alleges, the conclusion of the dittay cannot be inferred against him, because it is offered to be proven, that he was in the army with his majesty's general the time of the proclamation, which coming to his knowledge, if he had any arms then, he was willing to lay them down, and so have obeyed the proclamation by his willingness, if he had been in the field; so that if he had been out with the rest of the pannels, he would have had the benefit of the said proclamation; and being then in firmanco, and prisoner with the general, and being most willing to obey the proclamation, the conclusion cannot be inferred against him: and whereas the proclamation, even for these who should give obedience thereto, the effect thereof to them could be to *come to mercy, the pannel does humbly* conceive, that the council's meaning was never to take the lives of these who obeyed the proclamation, *specially* seeing the certification is express, that to such as are disobedient, they should be proceeded against as traitors, without mercy, which clearly includes mercy to the obedient.

Mr. Robert Dickson, for the pannel John Ross, repeats the whole former defences upon the benefit of quarter, and repeats the last defence proponed for John Shiels, and humbly craves the benefit of his majesty's proclamation.

My lord advocate answers shortly to the allegance for Shiels and Ross, that the same merits no answer, in respect the said persons were taken as spies and emissaries, for giving intelligence to the rebels, and were prisoners for the time, and their arms being taken from them upon the occasion foresaid, they could not lay down the same, nor plead the benefit of the proclamation, conceiving these who should be in arms the time of the issuing and proclaiming the same, whatever the import, and benefit, and extent of the proclamation be, which the pursuer neither doth nor is concerned to dispute in the case of the said pannels.

The justices repel the defence, duply, and quadruply proponed for the pannels, in respect of the reply and triply proponed by his majesty's advocate; as also the defence proponed for Shiels and Ross, in respect of the reply; and ordain the dittay to pass to the knowledge of an inquest.

The assize lawfully sworn, no objection in the contrary.

My lord advocate, for proving the dittay, produces the pannels' confession made to the lords of his majesty's privy council and a committee of them, whereof the tenor follows, viz. The said captain Arnot did confess, that he did join with the rebellious party in the west, at Ayr, and came alongst with them in their march to this country, and that he did accept the command of one of their troops, and did ride upon the head thereof; that he came with them to Lanark, and took the covenant with them there, and did ride alongst with them to Bathgate, Collington, and Pentland, and was at the late fight in arms with his sword drawn.

The said major John M'Culloch did confess, that he joined with the rebels at Ayr, and came with them to Lanark, and there took the covenant with them, and continued with them in arms and rebellion, until Wednesday the day of the conflict at Pentland, where he was in arms, and taken prisoner. The said Gavin Hamilton did confess, that he joined with the rebels, and came along with them, and that he was in M'Clellan of Barscob's troop, and was in arms at the fight of Pentland, where he was taken. The said John Gordon did confess, he joined with the rebels before he came to Lanark, where having taken the covenant with them, he marched and came along with them to Collington and Pentland, on horseback, and in arms with them at the conflict, where the rebels were defeat. The said Christopher Strang did confess that he joined with the rebels, and was at Lanark with them, and took the covenant, and came alongst with them to Pentland, and was an horseman in arms, with sword and pistols, under the command of captain Paton, commander of one of the rebels' troops, and was in arms at the late conflict. The said Robert Gordon did confess, that he joined with the rebels at Douglas, and came along with them, and had charge as a cornet of a troop of horse, whereof —— Maxwell, younger of Monrief, was captain, and that he was in arms with the rebels at the late conflict. The said John Parker did confess, that he joined in arms with the rebellious party in the west, and came alongst with them to Pentland, and was there under the command of colonel Wallace. The said John Ross did confess, that he joined with the rebels in the west, and that, at the desire of Mr. John Guthrie, one of the officers of the party, he went along to discover if the king's forces were coming to Kilmarnock, being in arms, and having pistols with him, and going alongst with John Shiels and other persons to bring the rebels intelligence. The said James Hamilton did confess, that he joined with the rebels' party, and was with them at Lanark, where he did take the covenant, and marched along with them in Barscob's troop, with sword and pistols, and came along with them to Collington, and from thence to Pentland, and was there in arms when the rebels were defeat. The said John Shiels did confess, that he joined with the rebellious party in the west, and that he was employed, and did go, at the desire of Mr. John Guthrie, and some of the officers that commanded that party, with John Ross and other persons, as a spy to see if the king's forces were coming to Kilmarnock, and bring the rebels intelligence. Which confessions being read to the pannels, and they particularly and severally accused conform thereto, and having judicially, and in presence of the assize, acknowledged and renewed the same, my lord advocate thereupon took instruments.

The assize, by plurality of voice, elect Sir Alexander Urquhart chancellor. The assize unanimously, all in one voice, by the report of Sir Alexander Urquhart of Cromarty, their

1666. by giving quarter to his enemies, he redeemed his servants: and if the only effect of quarter were, to be reserved to a public trial, none would accept quarter. I think no unbiassed person can read this, but they must see how iniquitous the procedure against these good men was. These ten were accordingly hanged, December 7th, and their heads and arms disposed of according to the sentence. Their joint testimony, and the dying speeches of some of them, have been more than once

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chancellor, find the persons impannelled, above and aftermamed, to be guilty and culpable of the particular treasonable acts aftermentioned, contained in the indictment, viz. captain Andrew Arnot to be guilty of joining with the rebels in the west, coming alongst with them in their march, accepting the command of one of their troops, and riding upon the head thereof, and coming with them to Lanark, and there taking the covenant with them, and of coming alongst with them to Bathgate, Collington, and Pentland, and of being at the late conflict there in arms, with his sword drawn. The said *major* John M'Culloch, to be guilty of joining with the rebels in the west, and coming with them to Lanark, and taking the covenant with them there, and continuing with them in arms until Wednesday the day of the conflict, being with them in arms there, where he was taken prisoner. Gavin Hamilton in Mauldslie, to be guilty of joining with the rebels in the west, and coming alongst with them in arms, in M'Clellan of Barscob's troop, and in being in arms at the fight of Pentland, where he was taken. John Gordon of Knockbreck, to be guilty of joining with the rebels before they came to Lanark, where he having taken the covenant with them, he marched along with them to Collington and Pentland on horseback, in arms with the rebels, and being in arms with them at the conflict, where the rebels were defeat, and he taken. Christopher Strang, tenant in Kilbride, to be guilty of joining with the rebels in the west, and being at Lanark with them, where he took the covenant, and coming alongst with them from Lanark to Pentland, an horseman armed with sword and pistols, under the command of captain Paton, commander of one of the rebels' troops, and being in arms at the conflict at Pentland, where he was taken. Robert Gordon, brother to John Gordon of Knockbreck, to be guilty and culpable of joining with the rebels at Douglas, and coming alongst with them, having charge as a cornet of a troop of horse, under the rebels, whereof —— Maxwell, younger of Monrief, was captain, and of being in arms with the rebels at the conflict at Pentland, where he was taken. John Parker, walker at Kilbride, to be guilty of joining in arms with the rebels in the west, and coming alongst with them to Pentland, where he was taken under the command of colonel Wallace. John Ross in Mauchlin, to be guilty of joining with the rebels in the west, at the desire of Mr. John Guthrie and some of the officers of that party, and of going along to discover if the king's forces were coming to Kilmarnock, he being in arms, and having pistols, and going to bring the rebels intelligence. James Hamilton, tenant in Kittimuir, to be guilty of joining with the rebels that rose in the west, being with them at Lanark, where he took the covenant, and marching along with the rebels in Barscob's troop, with sword and pistols, and coming alongst with the rebels to Collington and Pentland, and being there in arms with them when they were defeat. John Shiels in Titwood, to be guilty of joining with the rebels, and of going, at the desire of Mr. John Guthrie and some of their officers, to see if the king's forces were come to Kilmarnock, and to bring the rebels intelligence, and that conform to their several confessions.

URQUHART.

My lord justice-clerk and justice-depute decern and adjudge the said captain Andrew Arnot, major John M'Culloch, Gavin Hamilton in Mauldslie in Carluke parish, John Gordon of Knockbreck, Christopher Strang, tenant in Kilbride, Robert Gordon, brother to John Gordon of Knockbreck, John Parker, walker in Kilbride parish, John Ross in Mauchlin, James Hamilton, tenant in Kittimuir, and John Shiels in Titwood, as being found guilty by an assize, of the treasonable acts foresaid, to be taken upon Friday the seventh day of December instant, betwixt two and four hours in the afternoon, to the market-cross of Edinburgh, and there to be hanged on a gibbet, till they be dead; and after they are dead, their heads and right arms to be cut off, and disposed upon as the lords of his majesty's privy council shall think fit; and all their lands, heritages, goods and gear, to be forfeited and escheat to his majesty's use, for the treasonable crimes foresaid. Which was pronounced for doom, by Henry Monteith dempster of the court.

Followeth act of council anent the disposal of the heads and right arms of the forementioned martyrs.

Edinburgh, the 6th of December, 1666.

The lords of his majesty's privy council ordain the heads of the persons underwritten, to be cut off and affixed at the places following, viz. major M'Culloch, John Gordon of Knockbreck, and his brother Robert's, at Kirkcudbright; John Parker, Gavin Hamilton, James Hamilton, and Christopher Strang, their heads, at Hamilton; John Ross, John Shiels, at Kilmarnock; and captain Arnot's head at the Watergate: and ordain the magistrates of the respective places, to cause affix the said heads accordingly; and recommend to the magistrates of Edinburgh, to cause bury the corps of the said persons, at such places as they shall think expedient, and where traitors are usually buried.

Eodem die.—The lords of his majesty's privy council ordain the right arms of major M'Culloch, John Gordon of Knockbreck, and his brother Robert's; John Parker, walker, Gavin Hamilton, James Hamilton, Christopher Strang, John Ross in Mauchlin, John Shiels, tenant to Sir George Maxwell, and captain Arnot, who are to be executed the morrow as traitors, to be cut off, and by the magistrates of Edinburgh to be sent to the magistrates of Lanark, which they ordain them to affix upon the public port of that town, being the place where they took the covenant.

published in Naphtali, and other prints that are not uncommon, and so they need not be inserted here. It will be more worth while, to give the reader a taste of the hardships brought upon the families of some of those martyrs for religion and liberty, by the managers, after they had done their utmost to the persons of those worthies, and I shall only instance in two of them. I begin with major M'Culloch, an excellent gentleman of good parts and great piety. He never had freedom to conform to prelacy, and suffered considerably for his conscientious withdrawing from the church. Before Pentland several soldiers were quartered upon him for thirty days; and besides their entertainment, he had eight-pence a day to pay each of them, and was forced to pay an hundred pounds of fine to Sir James Turner. So good a man as he could not escape his share in the fines imposed by Middleton's parliament; and so in the year 1665, he paid the whole sum imposed on him, twelve hundred merks, and three hundred merks of riding money to the soldiers who exacted it. His estate lay under forfeiture from Pentland to the revolution. After Pentland, one Charles Campbell, without any warrant seized a horse of his son William M'Culloch, who was not concerned in the rising, worth eight pounds sterling, and clothes and other things near to the value of five pounds sterling. His eldest son was seized, and kept in prison a full year after his father's execution, upon no ground I can learn, but his being major M'Culloch's son. The major's lady was happily infeft in a part of his lands, and she and her eldest son lived upon these till the year 1681, when, upon noncompearance, they were forfeited, and given to Queensberry, who put John Sharp, clerk of Dumfries, in possession of them. Mr. M'Culloch, the true owner of them, was obliged to take them again from Sharp, and besides a considerable yearly rent of ten or twelve pounds sterling, he had upwards of a thousand merks of entrance-money, and other incidental charges to pay.

The other instance I mention is, the excellent family of Knockbreck, in the parish of Borgue in Galloway. The two young gentlemen at this time executed, I have it from persons yet alive of their acquaintance, that they were youths of shining piety, and good learning and parts. The harassings and losses of the family cannot be estimate, they were so frequent and severe. Besides the payment of their parliamentary fine, and their common losses, with others in Galloway, by Sir James Turner, in a little time after Pentland, their whole crop for that year was seized, and the household furniture disposed of and destroyed. Six soldiers continued quartered upon the house, from the 6th of March to the 9th of July, which comes to a great sum besides, near four hundred pounds of cess, and other impositions, were uplifted from them and their tenants. They had their share in all the after harassings of the country; particulars would swell this account. In the year 1684, captain Strachan, with his troop, came, and destroyed and took away the whole household-plenishing. Next year Glenlyon, with near two hundred Highlanders, came and stayed at Knockbreck from Thursday to Monday, and consumed and took with them all the meal and malt they found, and killed vast numbers of sheep; and at their departure broke the glass-windows, and carried off all the horses about the house, to bear away the spoil. And last of all, cruel Lagg came with a company of men, and carried off all within the house, to the very trenchers and spoons, and with much difficulty, was prevailed upon not to burn the house. Any of the remaining sheep they could not eat, Lagg carried with him, to the number of about fifty, besides many black cattle. From these, the reader may guess at the severities used to the families and relations of such who were executed at this time. 1666.

While the blood of these first ten is scarce cold, the advocate is ordered to intent a process against other five of the prisoners, Mr. Alexander Robertson, preacher of the gospel, who was basely betrayed by the laird of Morton his friend, to whom he committed himself upon promise of his life. He points at this in his speech at his death, and forgives him. John Neilson of Corsack, George Crawford in Cumnock, John Lind-

1666. say in Edinburgh, and John Gordon in the parish of Irongray. And, upon December 10th, the two former judges find them guilty. I do not find they gave themselves the trouble of hearing advocates, but make short work, and go upon their confession, and condemn them to be hanged at the Cross of Edinburgh, on Friday the 14th of December; which was accordingly done, only John Lindsay was delayed. Their testimonies are likewise printed in Naphtali, and elsewhere, so I do not insert them, or the process about them, which falls in with the former. The council being weary of disposing heads and arms, order the magistrates of Edinburgh to affix their heads on such ports of the town as they see fit, and bury their bodies in the usual place. Sir George Mackenzie's Vindication, page 8th, very confidently says, "that generally no man was executed in king Charles's reign, who would say, God bless the king, or acknowledge his authority." The falsehood of this will appear from a vast number of instances in the progress of this history. I only here ask, if any of these persons now executed, had the offer of their life upon that condition? If not, as certainly they had not, then Sir George's Vindication is a very false one, and a covering of cruelty with a lie: for all of them that were put to death on this occasion, did both pray for the king, and own his authority, though they could not justify his administration.

The sufferings of one of those worthy persons, John Neilson of Corsack, in the parish of Parton in Galloway, and those of his lady and children, are so remarkable, that they deserve a room in this collection; and I see not where an abstract of them can be more properly insert than here. Mr. Dalgliesh, the curate of Parton, had no small hand in this gentleman's hardships. When Sir James Turner came first into Galloway, Corsack was soon delated by the curate for nonconformity, and Sir James exacted an hundred pounds Scots from him, and, contrary to promise, he was sent prisoner to Kirkcudbright. He suffered very much by quarterings of soldiers upon him: from the beginning of March to the end of May that year, he had troopers lying on him, sometimes ten, sometimes six, sometimes four at once, and was forced to pay each man half a crown a day, which came to eight hundred and nineteen pounds Scots, and free quarters besides to man and horse; which, moderately computing at fifteen pence a day, amounts to four hundred and eight pounds, ten shillings. Next year, Sir James Turner sent six foot soldiers to quarter upon him, from March to the middle of June. These had each of them twelve pence a day, besides free quarters, which amounts to seven hundred and fifty-six pounds. By those hardships, Corsack was obliged to leave his house, and wander up and down; and upon his hiding, he lost his horse worth an hundred pounds, and was seized himself, and imprisoned for some time. The loss of his household stuff, victual, and most part of his sheep, cannot be well reckoned. When they had turned his lady and children to the doors, they fell next upon his tenants, and obliged them to bring them in sheep, lambs, meal, and malt, till they were well nigh ruined. And last of all, they drove all his oxen and black cattle to Glasgow, and sold them. And all this for nothing else but precise nonconformity. After all this oppression, of which I have before me an attested account, the reader can scarce wonder that he and many others in the like circumstances, took hold on the first opportunity that offered to complain of, and relieve themselves of those calamities. When essaying this, he is taken at Pentland, and, when a prisoner in Edinburgh tolbooth, Sir James Turner used his interest to get his life spared, because Corsack, out of his truly Christian temper, saved Sir James, when some were seeking to take his life, both at Dumfries and afterwards, though few had felt more of his severity than this gentleman: Mr. Dalgliesh the curate, getting notice of it, applied himself to some of the bishops, and acquainted them, Corsack was a ringleader to the fanatics in Galloway, and if he were spared, he needed not think of continuing in his parish, and they might spare them all. This went further than Sir James his interest could go, and so he was executed.[9]

His lady being in Edinburgh after her

husband's death, Maxwell of Milton came to the house of Corsack, with thirty men, and took away every thing that was portable, and destroyed the rest, and turned the family, and a nurse with a sucking child, to the open fields. Some time after, Sir William Bannantyne came and inventoried any thing that was in the house, seized that year's crop, and arrested the rents in the tenants' hands. One of the tenants, Arthur M'Gachie in Glenhead, with his wife and a young child, were carried off prisoners, and kept some weeks, merely because he had conversed with his master Corsack, before Pentland, a day or two after he had been at Dumfries. The same Sir William, a little after, came, and took lodging with thirty horse in Corsack, till the lady gave him a bond, with two neighbour gentlemen cautioners, for three hundred merks. The laird of Partan, a papist, possessed himself of a part of Corsack's lands contiguous to his in that parish, of about eighty pounds Scots yearly, and forced the tenant to pay one hundred and twenty pounds of rent, due to Corsack before Pentland. And further, by virtue of the forfeiture, the said popish gentleman defrauded the lady Corsack of a bond he had given to her husband, of four hundred and eight merks Scots, and all the interest. The said gentlewoman had all her moveables seized, for her converse with her own son, who had been intercommuned, and paid near an hundred pounds. In the year 1680, her son was forfeited, merely for noncompearance; and in a year or two, by Claverhouse's troop, and others, she lost and expended on vexatious suits, upwards of four hundred pounds. Her eldest son, for three years was forced to wander and hide in Ireland. In the year 1684, she and her second son being cited to a court for not hearing the curate, her son was imprisoned for some months, and fined in two hundred merks: and still forward, until the liberty 1687, this excellent gentlewoman was vexed with parties of soldiers, and compearance before courts, which put her to great trouble, and much charges. From these well vouched accounts, the reader will have some view of the hardships wherewith the families of such who appeared at Pentland, were distressed. 1666.

That terror might be struck into the west country, while the blood of the Lord's people is running so fast at Edinburgh, a commission is granted to the persons named in it, or any three of them, with a justiciary power, to try and judge such who were concerned in Pentland rising: I have inserted it below.* By virtue of this commission,

* *Commission for justiciary at Glasgow, December, 1666.*

Charles, by the grace of God, king of Great Britain, France and Ireland, defender of the faith, to all and sundry our good and faithful subjects, whom these presents do or may concern, greeting: Forasmeikle as, albeit it hath pleased Almighty God, to bless our forces under the command and conduct of our lieutenant-general, with an absolute victory of those rebels who did first rise in arms at Dumfries, and so far prosecute these rebellious courses, as to imbody themselves in a military posture, and march through many shires for getting associates and complices, and at last, in open fields near Pentland Hills, did encounter our forces, and endeavour their overthrow; yet nevertheless the danger of that horrid rebellion does still continue, and, if not timously prevented, may again break out and involve the kingdom in new troubles and confusions, to the hazard of the lives of many of our good subjects, and subverting of religion and ecclesiastical government, and of our authority and laws, there being many desperate and incorrigible traitors engaged in that rebellion, who did not at first appear themselves in arms, but have been abetters or assisters thereof, by correspondence, intercommuning, or giving intelligence, for carrying on their wicked designs, or by resetting of their persons, have been promoters of the said treasonable courses; as likewise some gentlemen, ministers and others did convocate and put themselves in arms in the shire of Ayr, and there determine to rise, and associate to themselves all such who were disaffected to our government, that they might join with these rebels who had first risen in arms, and hereby added such strength and vigour to the carrying on of that rebellion, that they might have continued longer, and brought on this our kingdom all the miseries of an unhappy and bloody war, if the defeat and overthrow of that party at Pentland had not happened. Therefore, and for preventing these mischiefs, and securing the peace of our kingdom, and our authority and government for the future, we, with the advice of the lords of our privy council, have nominated and appointed our right trusty and well-beloved counsellors and cousins, the lord duke Hamilton, the lord marquis of Montrose, the earl of Argyle, the earl of Linlithgow, the earl of Kelly, the earl of Galloway, the earl of Wigton, the earl of Nithsdale, the earl of Dumfries, the earl of Callender, the earl of Airly, the earl of Annandale, the lord Montgomery, the lord Drumlanrig, the master of

1666. at Glasgow, December 17th, the earls of Linlithgow and Wigton, the lord Montgomery, and Mungo Murray, constitute themselves in a court; and Mr. Thomas Gordon, writer in Edinburgh, is chosen their clerk. Sir William Purves, his majesty's solicitor, indicts Robert Buntine in Fenwick parish, John Hart in Westquarter in Glassford parish, Robert Scot in Dalserf parish, and Matthew Paton, shoemaker in Newmills. The court finds them guilty of rebellion and treason, and sentences them to be hanged at Glasgow, upon Wednesday, December 19th. Their process I have not insert, as coinciding, *mutatis mutandis*, with that against those, who were tried before the justiciary court at Edinburgh, which the reader will find in a preceding note, see page 39. They were accordingly executed that day. The men were most cheerful, and had much of a sense of the Divine love upon them, and a great deal of peace in their sufferings. It was here that abominable practice was begun, which turned afterwards so common, of the soldiers beating drums when the sufferers spoke to the spectators before their death. Reflections need not be made upon this barbarous unchristian practice, scarce any where used, but by the popish inquisitors, and is a plain evidence of an ill cause, which cannot bear the light. The persecutors were afraid lest the words of these dying witnesses for truth, would confirm and strengthen honest people in their adherence to, and appearance for liberty and reformation; and I cannot say they were mistaken in their fears, for the Christian and manly carriage of those noble sufferers, had a mighty influence upon multitudes. Few, if any, were terrified by their public death, and many were convinced of the goodness of their cause, and fixed in their resolutions to adhere to it.

To return again to Edinburgh: upon the 18th of December, the above named justice-clerk and justice-depute, have before them Mr. Hugh M'Kail, Thomas Lennox, Humphrey Colquhoun, Ralph Shield, clother in Ayr, William Pedin, merchant there, John Wodrow, merchant in Glasgow, Robert M'Millan, John Wilson in the parish of

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Cochran, general Dalziel, lieutenant-general Drummond, James Crichton, brother to the earl of Dumfries, colonel James Montgomery, Charles Maitland of Halton, Mungo Murray, or any three of them, giving them full power, warrant, and authority, to go to any shire, burgh, or place, where there was any rising or insurrection, and there to hold courts, cite parties, and examine witnesses, and take all other courses which they think fit for trying and discovering all such persons who were authors, aiders, or abetters of the said rebellion, and did keep correspondence, intercommune with, or reset the persons of any of these rebels, or furnished them with ammunition, arms, horses or any other things which might supply or strengthen them in the prosecution of their rebellious courses; with power likewise to seize upon their persons, and incarcerate them till they be tried, and to search their houses and other suspect places, and to enter the same by force in case of resistance, or otherwise to take bond and security for their appearance, whenever they shall be called. And for their more speedy and effectual carrying on of this their commission, with power to divide themselves that they may go to several places at one time, and for that end, any one or two of their number to take trial, search, and apprehend all persons suspect within their several divisions; and further, in case, after examination and trial, there shall be any persons who shall appear guilty of the crimes foresaid, by clear and undoubted evidences, we give full power and commission to the persons foresaid, or any three of them, which are declared to be a full *quorum*, to be our justices in that part, with power to them to meet at such times and places as they shall think convenient; and then and there, to affix and hold courts, create clerks, sergeants, dempsters, and all other members of court needful, to call assizes of persons of best understanding, absents to amerciate, unlaws and amerciaments to be uplifted and exacted; and in the said courts to call the whole persons guilty and suspect to be guilty of the crimes foresaid, and put them to their trial, and knowledge of an assize; and according as they shall be found innocent or guilty of the said crimes, that they cause justice to be done upon them accordingly; and generally all and sundry other things requisite and necessary for executing the said commission, to do, use and exerce, promitting to hold firm and stable; commanding hereby our advocate or his deputes to draw their indictments, and pursue them before our commissioners foresaid; and in case they find any difficulty in the matter of probation or evidence, that they secure the person until they advertise the lords of our privy council, that they may ordain our justice general or his deputes, to proceed against them; and we hereby require the commanders and officers of our forces, and all sheriffs, magistrates of burghs, and others, to be assisting to our commissioners, in prosecution of this our service, as they will be answerable. Given under our signet at Edinburgh, the 5th day of December, 1666, and of our reign the eighteenth year.

Kilmaurs, Mungo Kaipo in Evandale. The judges pronounce sentence of death upon them, and order them to be hanged at the cross of Edinburgh, December 22d. All of them, save three, were executed that day; and most part of their speeches are already more than once published. Upon the 21st of December, I find the council supersede the execution of the sentence of death upon Robert M'Millan, William Pedin, Thomas Lennox, and John Lindsay, formerly reprieved, till further orders. As far as I can guess, these four got off after some imprisonment, and partial compliances; probably the reason of this was the king's letter formerly mentioned, for sisting execution. When the rest are despatched, the council order the magistrates to take down the gallows at the cross to-morrow; and dispense with the cutting off the heads and hands of such as are to be executed. Now all were satiate with blood except the prelates, and they were forced to yield.

Before those executions began, which I have put altogether, upon the 4th of December I find the council order Mr. Hugh M'Kail and John Neilson of Corsack, to be tortured with the boots, a practice not used before in Scotland, in the memory of any now living; and I doubt if it was often practised since the reformation. Now it was brought in, and violently urged by the prelates, and afterward frequently used, as we shall hear. This, with other inhuman and barbarous tortures made use of in this period, was justly complained of at the revolution, and abrogated. What moved the council to pitch upon those two I do not know. Mr. M'Kail was a youth of great sense and learning, and Corsack a gentleman of excellent parts, and probably from them they expected vast discoveries. A conspiracy was pretended, and they were to be examined by this torture in presence of the council, and interrogatories formed to be put to them, which I have not seen. But there was indeed no plot to be found, and their rising was merely for self-defence, and unconcerted. Corsack was fearfully tormented, so that his shrieks would have melted any body but those present, who still called for the other touch. Nothing was recorded, for all they said was what they had candidly signified before, that the oppression of the country had forced them to rise in arms, and being up, they were obliged in self-defence to stick together. The sufferings of Mr. Hugh M'Kail are so singular, that though they are printed in Naphtali, yet being so proper for a history of this nature, I would willingly have insert them here were they not very prolix, and therefore must refer my reader thither, for a larger account of this singular person. 1666.

No discoveries being made, or indeed further to be made from the prisoners at Edinburgh, the commissioner Rothes, now come from court, resolves upon a progress through the west and south, that he might be at the bottom of an imaginary conspiracy and plot, he would fain have landed upon some body or other. He came first to Glasgow, and from thence to the town of Ayr, with a committee of noblemen and others with him, having a justiciary power.

At Ayr, upon the 24th of December, the earl of Kellie, lieutenant-general Drummond, Charles Maitland of Hatton, James Creighton brother to the earl of Dumfries, sit in judgment, and have twelve more of the prisoners before them, indicted by the solicitor for treason. They are found guilty, and ordered to be executed at Ayr, Irvine, and Dumfries; and the sentence was put in execution accordingly. Thursday, the 27th of December, was appointed for the hanging of eight of them, James Smith, Alexander M'Millan, James M'Millan, George M'Cartney, John Short, John Graham, James Muirhead, and Cornelius Anderson, in the town of Ayr. The hangman of that town being unwilling to imbrue his hands in the blood of those good men, got out of the way, and no other could be found to undertake this hateful work. The provost not being able to find one for this office, proposed this expedient, which was gone into: That one of the eight who were condemned should have his life, if he would consent to become burrier to the rest; and with difficulty enough Cornelius Anderson is prevailed upon. When the execution day is come, the poor man's heart being

1666. like to fail him, the provost, to secure all, took care to make him almost drunk with brandy. Thus, with much difficulty, they got their sentence executed. Other two of them, James Blackwood and John M'Coul, were executed at Irvine upon Monday December last (31st). When Mr. Alexander Nisbet, minister there, visited them in prison, he found them ignorant, and very much discouraged and damped with the near views of death and eternity. After he had bestowed some pains upon them, and instructed them in the way of salvation by faith in Christ, when the day of execution came, they died full of joy and courage, to the admiration of all who were witnesses. Anderson, as I am told, was likewise obliged to hang them, and in a few days he himself died in distraction and great misery.

The courage and behaviour of William Sutherland, hangman at Irvine, a man very much master of the scriptures, and blameless and pious, and the carriage of the persecutors to him, deserve a room here. His own declaration, which I am well assured is genuine, and formed by himself, and account of his examination, will set this matter in its native light; and therefore, though the paper be rude, and in a very homely dress, I have insert it below.* This poor man, after the hangman at Ayr fled, was by force brought from Irvine to that place, and boldly stood out against all the fair and foul means used to bring him to execute the above named persons there. When he had been put in the stocks, and endured all the hardships he himself gives account of, and still persisted in his refusal, lieutenant-general Drummond ordered him to be taken out and bound to a stake, and caused a file of musketeers present their pieces, assuring him he was a dead man, if he yielded not to hang the condemned persons. This moved him not. Then they covered his face, and after a little the soldiers were ordered to run in upon him with a shout, and all the noise they could make. Thus they resolved to make him feel the fear of death, though he escaped the pain of it. And this was his martyrdom, which he underwent with a great deal of composure and resolution.

John Grier and William Welsh, the remaining pair of those condemned at Ayr, were executed at Dumfries, upon Wednesday January 2d, 1667. Thither the commissioner with his company came; and after all the pains he had taken in this perambulation of the country, to discover a supposed plot, upon which the rising was alleged to have been founded, only

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* *William Sutherland's declaration and examination.*

The sense of God's goodness, who justifies the ungodly, and calls things that are not, and the persuasion of Christian friends, to whose charity I was much obliged during my imprisonment at Ayr for many weeks, moved me to declare as follows:

I being come of poor parents in Strathnaver, (the wildest part of the north Highlands) who were not able to keep me, I was hired with a master who sent me to bring back a horse that colonel Morgan's party had taken from him; which party I followed till the enemy fell betwixt me and home, and being afraid to go back, and having a desire to learn the lowland tongue, I came alongst in a sad condition with the said party, till I came to Spey-side where I herded cattle for a year in the parish of Boharm, at a place called the New Kirk; from thence I came to the parish of Fyvie in Buchan, where I also herded cattle for another year; from that place I came to the bridge of Stirling, where I followed the same employment a third year, which was the year the king came home; and from thence I came to Paisley, where after herding cattle a fourth year, I fell in extreme want, and that by the reason, the master whom I served being owing to one of the bailies, called John Weres, the bailie seized upon my master's goods, so that he ran away, and I lost my fee, and was engaged by the counsel of some honest men from that scripture, "Suffer not a witch to live," to execute a witch, and to cleanse chimney heads, whereby I gained somewhat for livelihood; and having a mind to learn to read, I bought a Question Book, but finding the people there to scar at my company, so that none would give me a lesson, I came from Paisley to Irwin, about five years since, where, finding the people more charitable, and to encourage me in learning, I did so affect my book, the people, and the place, that without engagement I did act the part of an executioner, when they had any malefactors to put to death, and so with much trouble I attained to learn to read English, and as I grew acquainted with the Bible, I began to scruple to execute any, except I was clear they deserved to die; and when the business of being executioner to some Southland men in Ayr came to my door, the scruples of my conscience grew upon my hand, because I had heard they were godly men, who had been oppressed by the bishops, whom I never liked since I loved the Bible; therefore I having a jealousy in my mind, that I should be troubled, I had a mind to go from the town

learned that there was nothing to be discovered.

Thus I have given as full an account, as I could gather, of the sufferings unto death of these persons taken at Pentland. The following persecution of the rest who escaped, and of some gentlemen who never joined them, by forfeiture and 1666

after I heard some sermons; it being the Lord's day, I having come to the kirk, opened my book, and the first place that came to my eyes, was that scripture Heb. iv. 12. to the end of the chapter. This word by the blessing of the Lord God blessing it to me, was so strengthening and refreshing to me, that all the trouble in the world was not able to quench it out of my heart; and I having gone again in the afternoon to the kirk, I was taken out of the kirk and brought before the provost, and I refused to go willingly to Ayr. The provost told me, I would be forced against my will. I told him, one might lead a horse to the water, but twenty-four would not make him drink, no more should any make me to do that deed; whereupon I was put in the tolbooth till Monday at night (where I got much comfort reading the fourth chapter of the epistle to the Heb.), when a sergeant with six soldiers came from Ayr to Irwin for me, and the provost, to terrify me, brought me out before them; and when they saw it would not do, then I was sent back again to prison until Tuesday morning, then I was constrained to go with the guard that came for me from Ayr. They offered me meat and drink, but I refused, and would not take it, but bought a farthel of bread and a mutchkin of ale; and when I came thither I was brought before the provost, and notwithstanding of many promises by the provost, and those that were with him, I refused to undertake to execute the southland men, whereupon I was presently committed to prison in the tolbooth; and the first night I was prisoner, there was one Mr. White a curate came to me to persuade me to do any office on the said persons, and said, What is this you are doing? do ye not know that thir men are guilty of rebellion? and from 1 Sam. xv. told me that the rebellion whereof these men were guilty was as the sin of witchcraft: to whom I answered, that that rebellion was Saul's rebellion against the immediate command and revealed will of God, and that for sparing Agag and the best of the cattle; and was as the rebellion spoken of the children of Israel, when they rebelled and refused to go to the land of Canaan, but would have chosen captains, and have gone back again to Egypt; and that is like the rebellion spoken of by the prophet Isaiah, "All day long have I stretched out my hands to a stiff-necked, rebellious and gainsaying people." I told him this was not rebellion against man, and in the New Testament it is called a trespass, and our Lord said to Peter, "If thy brother trespass against thee, forgive unto seventy times seven." So I think, if the Galloway men should trespass twenty times, it was far fewer than seventy times seven, the king should forgive them, though it were rebellion against him, which I do deny: remember what good king David did when he fled from Absalom, when Shimei came out and cursed him, and cast earth and stone at him, but yet he forgave him, much more I think our king should forgive the Galloway men, who respected and prayed for him, and who, if he were amongst them, would not let a hair of his head fall to the ground. But, said Mr. White, David was a prophet and a merciful man: Well, said I, Sir, will ye make ill men your example, and not good men, what divinity is that? At which he was so ashamed, the soldiers laughing at him, that he said in his anger, Away with thee, the devil is in thee, and thou hast dealing with familiar spirits. I answered, If the devil be in me, he is an unnatural devil, for if he were like the rest of devils, he would bid me take as many lives as I could, that he might get many souls; but the spirit that is in me will not suffer me to take good men's lives. Then Mr. White left me, and a number of cursed blaspheming soldiers came about me, and brought me before the general and lieutenant-general, my lord Kellie, my lord provost, and several other gentlemen, where they were met together in a lodging in the town: some of them boasted me, and some of them scorned me, and some of them said, I would go to the devil with the rest of the country folk. Others asked me, If I were a covenanter, he must be a covenanter. I said though I was no covenanter, yet I had respect to it for his sake by whom it was named, and who had in his word threatened to send a sword to avenge the quarrel of his covenant; and I said, what a covenant will ye give us? If ye take away the covenant of God, ye will give us the covenant of the devil, for there is but two covenants, a good one and a bad one. Then they called for the boots to put me in; and I said, Bring the boots and the spurs too, you shall not prevail. Then they were angry, and said, The rogue scorns us, and thinks no better than to do so. Then they mentioned that a cruse full of hot lead should be poured on my hands, and while the lead was melting, they went aside and spake Latin, as I thought, among themselves, and when they had done, they brought the lead to pour it on my hands, and I was willing to receive it rather than to obey; then they were astonished, and had put it on the fire again until they should get more speech out of me. Then my lord Kellie came unto me, and flattering me, said, Poor man, I heard they wronged thee, and brought thee out of the kirk on the Sabbath-day betwixt the preachings, they might have let thee heard the sermon, I heard they put thee in the tolbooth; who came to see you when you were in the prison? did not your minister Mr. Alexander Nisbet come to see you, nor any of the honest men of the town? I answered (as it was true), none came to see me. He said, they have been very unkind; did you not see Mr. James Fergusson since we came west? I said No. Then said the lieutenant-general, Away with him, they have forbidden him to tell, and have said, nothing shall ail him, but he shall rue it when he shall be hanged, and casten out to be eaten of dogs: tell me quickly, said he, who learned you these answers, and forbade you to tell? I perceive you have gotten a paper from some of these rebellious people, and has gotten your answers perquire. I said, Not so, my lord, but God, that said, Fear not when ye shall be

1666. otherwise, will come in the order of time upon the succeeding years. It is a loss we have not preserved to us a more particular account of these excellent persons' carriage, both in prison and at their death. By the short hints I have met with, I persuade myself it would have been very useful and instructive. Their behaviour all

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brought before kings and rulers for my sake, it shall be given you in that hour what you shall say, I will give thee a mouth, and wisdom that thine adversaries shall not be able to answer, he makes his promise good to me. Then a number of the gentlemen said, Away with him, the devil is in him, he has dealing with familiar spirits. I answered him, as I answered Mr. White before. Then said the lieutenant-general, Tell me quickly who put these words in thy mouth, or you shall be hanged: to which I answered, Even he who made Balaam's ass to speak and reprove the madness of the prophet; and marvel not, for he that could make a dumb ass to speak, can much more make me a reasonable creature to speak, it is he that gave me these answers, and likewise forbids me to do this, it is he and no other. Then said my lord Kellie, He thinks no better sport than to bring scripture as he would confound us with it, but you shall rue it when you are going to be hanged. I answered, If this confound you, ye shall be better confounded yet, read ye never that chapter, 1 Cor. i. 26—29? "How not many wise men after the flesh, not many mighty, not many noble are called, but God hath chosen the foolish things of the world to confound the things that are mighty; and base things of the world, and things that are despised hath God chosen, and things that are not, to bring to nought the things that are, that no flesh should glory in his presence." Then said my lord Kellie, Take the devil out of my sight, and put him in the narrowest place of the stocks. The provost of Ayr, when he saw me altogether refusing, he rounded in my lug, What are you afraid of the country folk, I shall give you fifty dollars, and you may go to the Highlands, or where you please. I answered him, speaking out loud that all might hear, What, would you have me sell my conscience, where can I flee from God? remember Jonas fled from God, but the Lord found him out, and ducked him over the lugs, so shall he me, if I go over the light of my conscience. Then I was taken away and put in the stocks; then came four musketeers before me and charged their muskets, lighted their matches, the more to terrify me, and brought a cap for my head; but when they saw me open my breast to receive the shots, and that I was willing to die, then came one and said, Let him alone, he shall not be shot, he shall be hanged and drawn out of the town that dogs may eat him, for shots is over good a death for him. While I was thus in the stocks I was very thirsty, and called for a drink; then they intended to bring me a drink of wine; but one of the soldiers, an Irishman, that could speak Latin, forbade me to take of their wine; as he told me afterwards, they had a mind rather to poison me, and to give me that which would distract me; and because I refused, they threatened in their anger, that whosoever gave me a drink of water should get the goadloup; so I lay until it was dark night, and there was people that would have given me meat and drink, but the soldiers would say blasphemously, If ye come one foot further here, I shall rash my pike through your soul; then I said to that soldier that was sentry over me, and sitting beside me, Give me a chopin of water, and I will give you a chopin of ale for it; but he said, I dare not, you heard what was threatened, but if you will give me a sixpence, I will hazard; so I gave him a sixpence, I having half-a-crown about me, and thinking to die to-morrow, I thought a chopin of water was better to me than all the money in the world; then he brought me the chopin of water, and held his cloak betwixt me and the light, for fear the rest of the soldiers should see; and when I had drunk, I was much refreshed. Thereafter some standing by, said to me, What needs you or any others make din about bishops, seeing there is no other gospel pressed upon you but what was before? to whom I answered, Know ye not what Paul says, Gal. i. 6. "I marvel that ye are so soon removed to another gospel, which is not another; but there are some that trouble you, and pervert the gospel of Christ; and if any man says he brings another gospel, or perverts the same gospel, let him be accursed," and consider to whom that belongs; but what think ye of the bishops, said some? I answered, that I truly think the bishops take more on them than Christ, who was a better preacher than any of them; for he would not meddle with the dividing the inheritance among the brethren; as when the young man in the Gospel came to Christ, saying to him, Master, bid my brother divide the inheritance with me, but our Lord refused, saying, Who made me a judge? seeing, he being a spiritual teacher, refused to meddle with civil law, why will our bishops sit in parliament, and go in before earls? I am informed they sit and ride in parliament, and judge in worldly affairs; they have their couches to sit in, but neither Christ nor his apostles had them; they are lords over God's heritage, and our Saviour says to his ministers, The princes of the Gentiles exercise dominion, but it shall not be so among you, but he that will be greatest shall be servant of all. The bishops are like the Scribes and Pharisees against whom the Lord pronounced many a wo; Wo be to you Scribes and Pharisees, ye love the chief seats in the synagogues, so love our bishops the chief seats of the parliament; Wo be to you Scribes and Pharisees, for ye love to wear long robes, and to be called of men Rabbi: the bishops desire side gowns, and a man to bear up their tails too, and they think they never get their right style till they be called my lord, and some of them your grace; you give grace to a graceless face; they oppress the poor people to feed their own bellies, for which the Lord pronounces many a wo against them. Then said they, Timothy and Titus were bishops. I answered, They were preaching bishops, but not bishops over whole dioceses; and as the apostle says, 1 Tim. iii. "a bishop should be blameless, the husband of one wife, vigilant, sober, of good behaviour, given to hospitality, apt to teach;" so I think a preaching bishop should have but one flock, but they will not be content with one kirk; and if every bishop had as many of your wives as he has kirks, you would be as

along was with the greatest meekness and magnanimity; and very much of the spirit of the primitive Christians runs through many of their last speeches. None of them would save their lives by renouncing the covenants, and taking the declaration. None of them made any shifting defences in their process, but fairly and 1666.

ill pleased with them as I am. Remember ye not that scripture, "He that will not work should not eat?" The bishops must have thousands in the year, but they preach but when they will. Then they asked me, What think you of the king? I said, would you have me speak treason? the king is set over us all by God, and all his subjects should pray for him, and defend his person and government, and obey in all things according to the word of God; but I wish that his majesty and all kings may take good heed to the law of the Lord. Remember ye what befell king Uzziah that went into the temple to burn incense, which was not his office, and the priests forbade him and said, It shall not be for thy honour; and the plague of God broke out upon him, and he remained a leper all his days; so I think our king should fear God's judgments for breaking and changing the worship of God. Remember ye not the king of Jerusalem that made a covenant with the king of Babylon, and the Lord owned it as his covenant; when he broke it, he said he should be punished, his children were slain before his eyes, and his eyes plucked out, and he carried prisoner to Babylon, where he died. Remember you not how Herod in the 12th of the Acts, went up to the high place to make an oration, and the people said, It is the voice of a god, and not of a man, and the Lord sent his angel and smote him, and he was eaten of worms, that he died; so I perceive there is no difference before God between the king and the beggar. Remember that covenant that was between the Turk and the Christian king; the Christian brake the covenant, and the Turk held up the covenant, and said, If thou be a God as the Christians say, and as we dream thou art, revenge the quarrel of thy perfidious people, who in their deeds deny thee to be God, and he won the battle; and think ye not the king should be afraid for the breaking of his lawful oath? Then Mr. White came in and disguised himself, and put on a gray hat and gray clothes that I should not know him, and he sat down upon the stocks beside me and began to say, I wonder at these country folks, if they had any other gospel preached unto them, it were something: then I answered, see what the scripture says, Gal. i. 6—10. "I marvel that ye are so soon removed from him that called you into the grace of Christ unto another gospel; which is not another; but there be some that trouble you, and would pervert the gospel of Christ: but though we or an angel from heaven preach any other gospel unto you than that which we have preached unto you, let him be accursed; for do I now persuade men or God, or do I speak to please men? for if I yet pleased men, I should not be the servant of Christ." Then said they, Have you learned your Latin, Greek, and Hebrew, that you should know these things? as long as better scholars and great men have done it, what needs you trouble yourself? That is, said I, as spoken in the Gospel of John, when the Scribes and Pharisees sent officers to take Christ, when he spake that parable, He that believeth on me, as the scripture hath said, out of his belly shall flow rivers of living water; then the Scribes sent officers to take him, and when they had not taken him, they asked, Why have ye not brought him? the officers answered, Never man spake as this man; then answered the Pharisees, Are ye also deceived? Have any of the rulers believed on him? but this people who know not the law are accursed. Remember ye not what our blessed Lord said, I thank thee, O Father of heaven and earth, that thou hast hid these things from the wise and prudent, and revealed them to babes. How know ye, but the Lord has revealed more to me than your bishops with their side tails? Then came the captain of the guard and said, You may see we are right and they are wrong; for we have won and they have lost: I did then remember what the scripture saith of John the Baptist, there was not one greater born among women, who was the forerunner of Christ, yet when he had done the work the Lord sent him for, he was beheaded by cursed Herod; many of you say that Herod was right, and John the Baptist wrong. They were not able to answer this. Then I said, When Cromwell took his prisoners, he neither headed them nor hanged them as ye do; then they answered me, Cromwell had not right nor law as we have: I said, I will seek no other words against you than that of your own mouth, for ye say, that Cromwell had no right nor law, yet he won many a battle against you, and over-ruled the best of you; ye see a wicked man may prosper in an evil cause; for your law, I trow, it be like that cursed law, By our law he must die, and by our law they must die. Then came some of the soldiers, and said, We have heard tell of some of your countrymen that have been hanged for stealing kine and horse and sheep, but you are the first we have heard of laid down his life for religion: then I answered, If one that is barbarous, or come out of a barbarous place, has respect to his conscience, what shall come of you who think yourself brought up at the feet of Gamaliel, that has no respect to your conscience, what think you shall become of you when you shall be judged at the last day? Then said they, Speak no more to him, let him alone. Then after that I heard that they would take no more lives; then came some of the greatest men to me, and said, What think you of yourself now? there is a barrel with pikes made to put thee in, and roll thee up and down: I said, I even think of myself as I did at first; I said unto him, Why have you not taken all their lives, seeing they are all alike guilty? Then they said, You are more cruel than we are, for we have taken but some to be example to others; then I said, Wo be to your example, for your example is not according to the word of God, for remember what the word of God saith, The son shall not die for the father, nor the father for the son, far less should a man be an example to one that is born in England or Ireland. I heard that they were minded to strangle me in prison, but they could not agree among themselves; they said, We cannot tell how to do it,

1666. boldly owned what they had done, as Christians and Scotsmen, for the cause of religion and liberty. All of them owned the king's authority, and disclaimed any rebellious designs, to set up against the government, and still professed they were craving no more, but a redress of the church and kingdom's grievances in the only way now left them. I hear, most, if not all of them, left their written testimonies behind them, and it is pity any of them are lost. Scarce the half of them are in Naphtali. Though some of them had lived long in bondage through fear of death, and others of them had sore anguish of body through the wounds received at Pentland, their torture, and other pieces of ill treatment afterward, yet all of them died in great serenity and peaceful hope of salvation. George Crawford was so pleased to die, that he pressed to be up the ladder, and, when upon the top of it, triumphed in Christ. And as they had much solid peace and comfort as to their own eternal state, so many of them had a firm expectation that God would deliver Scotland from the bondage of bishops, and their influence upon the heavy oppressions the country was groaning under.

A few of them were persons of learning and great knowledge. Major M'Culloch, Corsack, Mr. Hugh M'Kail, have been spoken of already. When Knockbreck and his brother were turned off the ladder, it is said, they clasped each other in their arms, and thus endured the pangs of death. The most of them were illiterate persons, of very common education, and yet in their dying speeches they discover a greatness of soul, much piety, and good sense. Their friends who knew them before, could not but remark, it was given them what and how to speak in that hour. John Wodrow, merchant in Glasgow, in his testimony and letter to his wife, was observed to go far beyond one of his education and circumstances; and his very style was noticed to be much above what it was formerly known to be.* Humphrey Colquhoun, when he died, spoke not upon the scaffold and ladder, like an ordinary townsman, but like one in the suburbs of heaven; related his Christian experiences, called for his Bible from one of his friends, and laid it on his wounded arm, and read some most apposite passages, and spoke to the admiration of all who heard him. Unless it be the first three worthies mentioned in the former book, never did men in Scotland die more lamented by the spectators, yea, the religious part of the nation, but most of all, when Mr. Hugh M'Kail suffered, there was scarce ever seen so much sorrow in on-lookers; scarce was there a dry cheek in the whole street, or windows at the cross of Edinburgh.† He

but word will be gotten of it, and then it will make us more odious. After I came out of prison, my lord Eglinton sent for me, and asked me of thir passages, and he said to me, Poor man, poor man, you did well in not doing what they would have had you to do: I answered to my lord, You are speaking treason, you say I have done well, whereas you persecute them from the first to the last; this tells me in experience, that you have gone against the light of your conscience; Wo will be to you that go against the light of your conscience. My lord said, Know you not I kept you from being hanged, and are you telling me that? I answered, Keep me from drowning too, I will tell you the verity.

* This John Wodrow, I find from a MS. history of the family now in my hands, was uncle to the historian, though his native modesty has prevented him from taking any notice of the circumstance.—*Ed.*

† At the place of execution, Mr. M'Kail having addressed to the people a speech and testimony, which he had previously written and subscribed, sung part of the 31st Psalm, after which he prayed with great power and fervency. He then, handing from him his hat and cloak, took hold of the ladder, and, as he went up, said, with an audible voice, "I care no more to go up this ladder, and over it, than if I were going home to my father's house. Friends and fellow sufferers, be not afraid, every step of this ladder is a degree nearer heaven." Having seated himself on the ladder, he said, "I do partly believe, that the noble counsellors and rulers of this land, would have used some mitigation of this punishment, had they not been instigated by the prelates, so that our blood lies principally at the prelates' door, but this is my comfort now, I know that my Redeemer liveth, &c. And now I do willingly lay down my life for the truth and cause of God, the covenants and work of reformation, which were once counted the glory of this nation; and it is for endeavouring to defend these, and to extirpate the bitter root of prelacy, that I embrace this rope." Hearing the people weep, he continued, "Your work is not to weep, but to pray, that we may be honourably borne through, and blessed be the Lord that supports me now. As I have been beholden to the prayers and kindness of many, since my imprisonment and sentence, so I hope you will not be wanting to my

was a youth of twenty-six years of age, universally beloved, singularly pious, of very considerable learning. He had seen the world, and travelled some years abroad, and was a very comely graceful person. I am told he used to fast one day every week, and had frequently before this signified to his friends, his impressions of such a death as he now underwent. His share in the rising was known to be but small; and when he spoke of his comfort and joy in death, heavy were the groans of these present.

Many remarks might have been made upon the process insert in the appendix, and pleasant observes from the testimonies published in Naphtali; but this would swell this work very much. When these good people were executed, such who were accustomed too much to cursing, cursed the prelates; and such as used to pray, prayed the guilt of this innocent blood might not be laid to their charge, nor visited upon the land. I have met with several accounts of prodigies seen in the air about this time; and persons who lived then, of good information, have left behind them a very strange passage, that several people about Pittenweem made public faith upon, that the night after the battle, and after some of these public executions, they heard the voice of a multitude about Welston Mount, praising and singing psalms with the sweetest melody imaginable: but I am unwilling to insert any thing here save what is fully attested, and leave those things to be inquired into by such as shall write a complete history of these times. 1666.

It is not my work in this historical essay, to insist upon a vindication of these religious and excellent persons who suffered at this time. This hath been done oftener than once, and this rising hath been proven to be no rebellion, but a necessary and forced appearance for religion, liberty, and property: and yet, without ever attempting an answer to what hath been said in vindication of these sufferers, it hath been the way of the prelatic party to run them down as villains and rebels. This was the cant of the days before the late happy revolution; and no great wonder, since the then laws and governors were pleased to talk at this rate: but this treatment, I confess, is a little odd since that happy turn, when matters are much altered. That Jacobites and papists

now, in the last step of my journey, that I may witness a good confession: and that ye may know what the ground of my encouragement in this work is, I shall read to you, in the last chapter of the Bible," which, having read, he said, "Here you see the glory that is to be revealed on me; 'a pure river of water of life,' &c.; and here you see my access to my glory and reward, 'Let him that is athirst come,' &c.; and here you see my welcome, 'The Spirit and the bride say, Come.' Then, looking down the scaffold, he said, "I have one word more to say to my friends, Where are ye? ye need neither lament nor be ashamed of me in this condition, for I make use of that expression of Christ, 'I go to your Father and my Father, to your God and my God,' to your King and my King, to the blessed apostles and martyrs, and to the city of the living God, the heavenly Jerusalem, to an innumerable company of angels, to the general assembly of the first-born, to God the Judge of all, to the spirits of just men made perfect, and to Jesus the mediator of the new covenant; and I bid you all farewell, for God will be more comfortable to you than I could be, and he will be now more refreshing to me than you can be. Farewell, farewell in the Lord." The napkin was now put upon his face, but having prayed for a short space, he put it up with his hand, and said, he had a word more to say concerning what comfort he had in his death, "I hope you perceive no alteration or discouragement in my countenance and carriage, and, as it may be your wonder, so, I profess, it is a wonder to myself, and I will tell you the reason of it. Besides the justice of my cause, this is my comfort, what was said of Lazarus when he died, 'that the angels did carry his soul to Abraham's bosom,' so that as there is a great solemnity here of a confluence of people, a scaffold, a gallows, a people looking out at windows, so there is a greater and more solemn preparation of angels, to carry my soul to Christ's bosom.—Again this is my comfort that it is to come to Christ's hand, and he will present it blameless and faultless to the Father, and then shall I be ever with the Lord. And now I leave off to speak any more to creatures, and begin my intercourse with God, which shall never be broken off. Farewell father and mother, friends and relations—farewell the world and all delights—farewell meat and drink—farewell sun, moon, and stars—welcome God and Father—welcome sweet Jesus Christ, the Mediator of the new covenant,—welcome blessed spirit of grace, and God of all consolation—welcome glory—welcome eternal life, and welcome death." He then desired the executioner not to turn him over till he himself should put over his shoulders, which, after a few moments spent in prayer within himself, he did, saying, "O Lord, into thy hands I commit my spirit, for thou has redeemed my soul, O God of truth." Vide Samson's Riddle, Naphtali, Biographia Scoticana, &c. &c.—*Ed.*

1666. should continue in the style of those times, they would so willingly have us back to, is no great wonder: but for any who own the revolution, the authority of king William of ever glorious memory, and the Protestant entail now so happily taken effect and established, to rail at these persons as rebels and what not, is every way unaccountable and inconsistent. The very same reasons which vindicate the revolution, "as being an extraordinary case, a case of necessity, and still implied, though not expressed in the general rules of loyalty and subjection to sovereigns, when the sovereign, misled by evil counsellors, endeavoured to subvert and extirpate the Protestant religion, and the laws and liberties of the kingdom," to borrow the words of a great lawyer, the same arguments are of equal weight in this case. The cause was indeed the very same, religion and reformation, law and liberty; and had the attempt under the prince of Orange miscarried, as, blessed be the Lord, it did not, no question it would have been branded with the same hard names of rebellion, and resisting the ordinance of God, this was loaded with, yea, with worse.

We have seen the declaration of these people who rose at Pentland, and I shall refer the reader to the documents subjoined, where he will see two associations or covenants, if he please, entered into at Exeter, and in the north of England, while king James VII. was upon the throne, which in some things go a greater length than our Pentland men.* And if the success of this rising was not equal to that of the revolution, these brave and gallant men were not to blame: but the Lord's time set for the delivery of this poor church and kingdom, was not come. And I must add, what hath been already hinted, that their appearance was not concerted with that caution the difficulty of the times required; and they too much depended upon assistance from others in the same oppressed circumstances with themselves: and when that failed them, they failed in their attempt. But leaving those things to others who may handle them more fully, as a historian I shall only lay before my readers, the plain matters of fact as to this undertaking, many of them scattered up and down in the former account; that having the whole circumstances under view at once, they may judge for themselves.

Pentland attempt, then, was no premeditated, but a very accidental rising, some few country people were obliged to by the barbarous oppression of the cruel soldiers.—It was merely upon necessity and self-defence they took arms, being morally assured they would be murdered by these merciless men, had they not looked to themselves after their first attempt.—When some were thus got together, others of better note joined them, as being under the same grievances, though not so liable to military execution as they; and knowing no other method of getting redress, but in this posture, all application to the king being discharged by law, and the bishops in council effectually stopping any thing like this; that they had no more in

* *Association at Exeter*, 1688.

We whose names are hereunto subjoined, who have now joined with the prince of Orange, for the defence of the protestant religion, and for the maintaining the ancient government, and the laws and liberties of England, Scotland, and Ireland, do engage to Almighty God, to his highness the prince of Orange, and to one another, to stick firm to this cause, in the defence of it, and never to depart from it, until our religion, laws, and liberties, are so far secured to us in a free parliament, that we shall be no more in danger of falling under popery and slavery. And whereas we are engaged in this common cause, under the protection of the prince of Orange, by which case his person might be exposed to danger, and to the cursed attempts of papists and other bloody men; we do therefore solemnly engage to God, and one another, that if any such attempt be made upon him, we will pursue not only those that make it, but all their adherents, and all that we find in arms against us, with the utmost severity of a just revenge, to their ruin and destruction. And that the execution of any such attempt (which God of his infinite mercy forbid) shall not divert us from prosecuting this cause, which we do now undertake, but that it shall engage us to carry it on with all the vigour that so barbarous an action shall deserve.

Association in the North of England, 1688.

We being made sadly sensible of the arbitrary and tyrannical government that is, by the influence of Jesuitical counsels, coming upon us, do unanimously declare, That not being willing to deliver our posterity over to such a condition of popery and slavery, as the aforesaid illegalities do inevitably threaten, we will, to the utmost of our power, oppose the same, by joining with the prince of Orange, &c. And herein we hope all

their view, appears plain enough, from their treatment of Sir James Turner, when in their hands.—When they came eastward to make this application, and had, at the noblemen's desire, with the general's concurrence, agreed to a suspension of arms, and had in part proposed their grievances, and these were sent to the council, and they some way under a treaty; they were attacked in a sudden and subdolous way, and obliged then to resist force by force, when no indemnity was allowed them.—When taken at the engagement, they got quarters, and a promise of their life; and it was contrary to all rules to be dealt thus with after quarter given and taken.—Several of those who were executed, were not in the engagement, had not borne arms, and were only in the company with the rest, when going through the country.—Some of them, I know not how many, not having the date of the king's letter, nor the time when the primate received it, died to gratify bishop Sharp's cruelty, and contrary to the king's express orders, "that no lives should be taken."—All of them owned the king's authority, and suffered really, if the matter be narrowly considered, not so much for their rising in arms, there was grace to pardon that, as for their not renouncing their sworn covenant, and refusing to take the declaration, for which it would seem, the bishops would allow of no mercy: so that they died not for rebellion, but religion and conscience' sake.—In short, the reader will notice, that these worthy persons are fairly vindicated, as soon as the nation recovered its senses, by our revolution-parliament act, July 4th, 1690, rescinding forfeitry, where the forfeited persons are restored, not *ex gratia*, but *ex justitia;* and all decreets and sentences pronounced by any judges against them, are declared void and null from the beginning. The good men confessed they had risen in arms, and the thing was evident; yet our parliament, in this circumstantiate case, plainly judging it not to be treasonable, or rebellion, pronounce *ex justitia*, their sentences void and null from the beginning, and those excellent persons innocent: and I have no doubt, but long before this public vindication from men, these sufferers had a very comfortable sentence passed upon them by the righteous Judge of all men. 1666.

good protestants will, with their lives and fortunes, be assistant to us, and not be bugbeared with the opprobrious terms of rebels, by which they would fright us to become perfect slaves to their tyrannical insolencies and usurpations: for we assure ourselves, that no rational and unbiassed person will judge it rebellion to defend our laws and religion, which all our princes have sworn at their coronation; which oath, how well it hath been observed of late, we desire a free parliament may have the consideration of. We own it rebellion to resist a king that governs by law, but he was always accounted a tyrant, that made his will his law; and to resist such a one, we justly esteem no rebellion, but a necessary defence, &c.

CHAP. II.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS DURING THE YEAR 1667.

THIS affair of Pentland had no small influence upon the interests of prelacy in Scotland: some of the bishops at least reckoned now their enemies were buried, and that none would dare, after this, to move a lip against them or their procedure. Their fears were much over, and they took care to brand the presbyterian party, as a few inconsiderate rash rebels, enemies to monarchy and them; but they came to see their mistake, and matters proved quite contrary to their expectation. The bloodshed last year, had an effect not unusual in the Christian church, really to encourage good people in their adhering to the words of Christ's patience. Since the reformation there had been but few executions for conscience' sake; and now when these are turning common, by the cheerful and Christian sufferings of so many, people are animated to their duty, and hardened against danger; as if now, and scarce till now, they had believed that torture and death for Christ's sake, can be gone through with cheerfulness, by Divine assistance; and that not only by eminent, but ordinary saints. 1667.

To blacken these noble sufferers, Mr. Robert Lawrie,* a little after their death,

* He was by the people of Edinburgh, on a former occasion, termed "the nest egg."—*Ed.*

1667. declared, from one of the pulpits in Edinburgh, that they had gone down to the pit with a lie in their right hand; but brought no proofs of his uncharitable and unchristian censure. There was indeed a cause; he was hounded out to this bitter and unjust reflection. Their death, and the triumphant nature of it, had left deep impressions of the righteousness of their cause, and their own innocence: and this public calumny only left the speaker under a blot, yea, the hatred and contempt of many, but did no hurt to the sufferers. Indeed, from the time of these repeated public executions, the episcopal interest in this kingdom gradually and sensibly decayed, till the prelates, the chief instruments of this bloodshed, were at length laid aside as a public nuisance. The nobility perfectly wearied to follow these severe courses, and this year the persecution slackened, people began more generally to dishaunt the churches, and the outed ministers ventured to preach a little more publicly, particularly Mr. John Welsh, whose labours were singularly and eminently blessed of God. Multitudes flocked to their sermons, and much love to the gospel abounded in a proportion to the benefit people felt by it: and the poor honest people, who were in raillery called Whigs, from a kind of milk they were forced to drink in their wanderings and straits, became name-fathers to all who espoused the interest of liberty and property through Britain and Ireland. If the reader would have another and perhaps better origination of the word, he may consult Burnet's Memoirs of the House of Hamilton.

A little after the restoration, as hath been observed, Lauderdale had reasoned against the establishment of prelacy in Scotland, as what would raise uneasiness to the government there, being really contrary to the inclinations of the most and best of the king's subjects. He was over-ruled, and the general outward quiet of the country, for some years after the obtrusion of episcopacy, seemed to vindicate the sentiments of such who had opposed him: but this insurrection, together with the general and growing contempt of the bishops and their clergy, and the great frequenting of presbyterian ministers' sermons, in houses and the fields, made the king to reflect upon what Lauderdale had assured him of; and being bent on his pleasures, lazy in business and impatient of disturbance, he was the more inclinable to mild and moderate measures. Accordingly, this year, after a considerable struggle with the prelates and their party, Lauderdale prevailed, and got an indemnity for Pentland insurrection, and in a little time the first indulgence came down.

That the reader may have a further view of the severities after Pentland altogether, I shall first give some account of the methods taken by the army in the west and south on the back of this insurrection, and the forfeitures passed under form of law; and then essay a more particular narrative of the procedure against presbyterians this year, the bond of peace offered them, with the indemnity at length granted. These may be matter for two sections.

SECT. I.

Of the severities of the army after Pentland, the forfeitures and other hardships upon such as were concerned in that attempt.

A LITTLE after the victory at Pentland, general Dalziel, with a considerable number of his troops, marched westward to improve his success, in harassing all suspect of favouring presbyterians. We have, upon the former chapter, seen the powers given him by the council, December 1st. Here opens a scene of cruelty unheard of before in Scotland. Sir James Turner lately had forced Galloway to rise in arms, by his cruelty the last and former years: but he was an easy master, compared with the general, his ruffians, and Sir William Bannantyne this year. The reader cannot form any notion of their carriage, without some few instances out of many which might be given. It was the smallest part of those hardships, that the soldiers took free quarter through the west and south, as if they had been in an enemy's country: though this went very nigh to destroy the sustenance of that

country. In short, the soldiers do what they will, without control.

The general takes up his head-quarters for some time in the town of Kilmarnock. I have a well attested account of many sums extorted from the inhabitants of that country town, by me, too large to insert here; but only remark from it, that their loss, by quartering of soldiers, and other impositions, in a few months after Pentland, at a very modest calculation, was upwards of fifty thousand merks; a terrible sum for a place of their poverty at that time. Hither Dalziel calls in the country-people about, the heritors, and whomsoever he pleases. Suspicion, without any probation, is what he goes upon. If he or his informers were pleased to entertain any jealousy a man had been in arms, or harboured any who had been in arms, this is reason enough to sist him before him; and, as it was lately at the commission-court, few came but were either guilty, or made so, if they had any money. He not only examined privately, and endeavoured to expiscate crimes, and then pronounced sentence as he pleased, but threatened, and cruelly tortured whom he would. Not a few, yet alive, remember how he thrust so many into that ugly dungeon in Kilmarnock, called the thieves' hole, upon mere suspicions of their being accessory to the late rising, where they could not move themselves night or day, but were obliged constantly to stand upright. When in this pinfold, one of them, and it was God's good providence there were not many more, fell dangerously sick: the general would not allow him to come forth, till two compassionate persons were bail for him, to return him living or dead. The poor man died in a little, and the two sureties were forced to bring the body to the prison-door, where it lay a considerable time, till the general, in his great humanity, permitted the body to be buried. But somewhat worse follows.

David Finlay in Newmills parish, not far from that town, is by order brought before him. When examined, he acknowledged he was accidentally at Lanark, when colonel Wallace and his army came thither, but had not joined them. Being interrogate further, whom he saw there? he gave little satisfaction; and because he would not, and indeed, being only transiently there upon his business, could not give an account of the rich Whigs there, presently the general sentences him to die. He was no soldier under Dalziel's command, no judge had passed sentence against him, no witnesses were adduced, no council of war held, and yet the poor man is summarily ordered to be shot to death immediately. When he was carried off from the general, neither the lieutenant who was to execute the sentence, nor the man himself, took Dalziel to be in earnest; but they found otherwise. The soldiers had positive orders to execute the sentence: when they signified so much, the poor man begged, for the Lord's sake one night's time to prepare for eternity. The lieutenant was so affected, that he returned to the general, and earnestly entreated the poor man might be spared but till to-morrow. His answer was like the man who gave it, "That he would teach him to obey without scruple." So the man was shot dead, stripped naked, and left upon the spot. The sergeant who had brought him from his own house to the general, being wearied, had gone to his bed, and slept a little; when he awoke, and was acquainted with his sudden despatch, he sickened, took his bed immediately, and died in a day or two. 1667.

Another instance of their tender mercies, was towards a poor country woman in the neighbourhood of Kilmarnock. A garrison was kept in the house of the dean, nigh by the town; the soldiers who lodged there, used frequently so traverse the country, to see if they could find out any of the Whigs wandering or hiding. One day a party of them saw a man at some distance, who, upon their approach, fled into a country-house near by, and both doors being open, only passed through it, and got down into a ditch full of water on the other side of the house, and stood up to the neck; there he remained undiscovered, till he escaped. The party, when they observed him flee, pursued hard and came into the poor woman's house, and searched it narrowly, but miss their prey. All the poor woman could say, was, That indeed a man had run through her house, and she knew nothing about him: however

1667. because she owned the man had been in her house, and could not produce him, she is brought prisoner to Kilmarnock, where she was sentenced to be let down to a deep pit under the house of the dean, full of toads and other vile creatures. Her shrieks thence were heard at a great distance; but nobody durst intercede for her, otherwise they would have been sent to bear her company. Whether she died there, or what became of her, I know not.

Instances of such severities might be multiplied. I add but one further. Sir Mungo Murray had the command of some soldiers, and was rummaging up and down for intelligence, and to seize wanderers. He gets notice of two countrymen who had given a night's lodging to two of the Pentland men, when coming home. The men are brought in before him, and, without any further probation than hearsay, Sir Mungo orders the two countrymen to be bound together with cords, and hanged up by their thumbs to a tree, there to hang all night. It is odd to think, how cruel men fall upon such methods to torment their fellow-creatures, as this and others we shall meet with. The poor men would in all probability have died before next day, through pain and torture, had not some of the soldiers been so merciful as to cut them down to save their lives, though this was at the hazard of being dealt with themselves the same way. These are some part of the unprecedented methods taken by the army in the west, and much more was done of this sort. The vexation, loss, and hardships the country-people were put to, cannot be expressed. Meanwhile, the poor Whigs either got off to wander in a strange land, or lurked in some retired corners under borrowed names, or hid themselves in caves and coal-pits; and this was the sorest winter of persecution Scotland had known of a long time.

Sir William Bannantyne, much about the same time, was sent into Galloway with a considerable party of soldiers under his command. Some of his cruelties have been noticed, and others of them will come to be narrated afterwards: I shall only set down here attested accounts of his carriage in two or three parishes, upon the back of Pentland. The reader will find more of this nature in Naphtali. He was more than once harassing this poor country. At his first incoming after Pentland, he brought four hundred foot, and a troop of horse to Roger Gordon's of Holm, in the parish of Dalry, against whom nothing could be charged; but wherever they pleased, they took free quarters. At the Holm, he and his horsemen ate up sixteen bolls of corn, killed and ate vast numbers of sheep, and consumed abundance of meal and other things, besides what they took away from him and his neighbours. From thence they went to the house of Earlston. Some of the sufferings of the family of Earlston have been pointed at, and now the house is made a garrison. From this parties were sent out through that parish, and these about, and exercised inexpressible cruelties upon any they were pleased to allege had been at Pentland, or conversed with such. One David M'Gill, in that parish, whom they came to apprehend, escaped happily from them in women's clothes; but dreadful was the way taken with his poor wife, whom they alleged accessory to her husband's escape. They seized her, and bound her, and put lighted matches betwixt her fingers for several hours: the torture and pain made her almost distracted; she lost one of her hands, and in a few days she died. They pillaged the country round about, as they pleased. Some they brought to their garrison, though under heavy sickness, stripped them naked almost by the way, bound them, and cast them into nasty places, without the least accommodation; and it was a great favour to let them out when at the point of death.

Many were the fines the soldiers uplifted: from one countryman in Dalry parish a thousand merks were exacted; another poor man was fined in three hundred and twenty merks, a part of it was paid, and his bond taken for the rest, and that was afterward exacted in the year 1684. Another countryman in the same parish had a hundred and fifty pounds imposed upon him, and another four hundred merks. These fines were perfectly arbitrary, founded upon alleged suspi-

cions that the poor people had been concerned in the rising, and so were laid on just as the soldiers pleased, and as the man was able to pay. In the parish of Carsphairn, Gilbert Monry in Marbrack, without any alleged fault, had fifty merks imposed upon him. When he asked Sir William Bannantyne for what he was fined, the other answered, because you have gear, and I must have a part of it. Great numbers of sheep and nolt were taken in that parish, and gentlemen as well as others were ruined. Alexander Gordon of Knockbreck, for his sons being at Pentland, suffered a great deal, and his family after him, as in part we have seen, John Gordon in Carnevel* had his whole estate, being sixteen thousand merks, taken from him; another lost his lands worth about six hundred merks a year. Seven hundred merks were taken by the soldiers from three countrymen near Loch Doon.

In the parish of Balmagie, Sir William came into a public-house, and after calling for some ale, he offered wickedness, and attempted it on the mistress of the house. Her husband being present resisted him; whereupon Sir William struck him down dead on the spot; and some life remaining, when about to kill him outright, a gentleman in the parish being present, endeavoured to prevent him, and fell in grips with Sir William, and being too strong for him, Bannantyne called in the soldiers who were at the door: they took the gentleman, and bound him with his head betwixt his knees, and his hands behind his back, with a tether, and kept him lying on the ground in that pickle all that Saturday's night, and part of the Sabbath, till his friends came and gave bond for him. This gentleman was no Whig, but had been with the king's forces at Pentland. Bannantyne and his party drank in the house, most of the Lord's day; and when they could drink no more, let what remained run upon the ground, and rifled the house of all in it. In short, it was known, that Bannantyne, in this country, never refused to let his men rob and plunder wherever they pleased. His oppressions, murders, robberies, rapes, adulteries, &c. were so many and atrocious, that the managers themselves were ashamed of them: and we shall afterwards hear that he was called to some account for them, and forced to flee the nation; and when at London, made an attempt upon Lauderdale, which obliged him to go abroad, where he died in misery. Those hardships from the army continued upon the west and south country, till, towards the beginning of June, a squadron of Dutch ships came up the Firth of Forth, to make reprisals for the hurt done to their trade by our privateers. They shot some guns at Leith, and fired some hours upon Burntisland, without doing any great damage. The army was then ordered to the east country to guard the coasts. 1667.

A great many other hardships were put upon good people after Pentland, by others as well as the army. Many were imprisoned upon mere suspicion, and without any ground put to a vast deal of trouble. James Grierson of Dalgoner was imprisoned in the tolbooth of Ayr; he was perfectly innocent as to the rising in arms, and earnestly craved a trial, but was not allowed it: at length, upon giving caution for compearance, under a vast sum, he is let out. John Hamilton of Auldstane or Austane, was in January apprehended by the council's order, upon a suspicion that major Learmont, his son-in-law, had been in his house after Pentland.

* Mr. Wodrow, in additions and amendments printed in the 2d Vol. of his History, besides correcting this name from Robert to John, adds, "He was elder brother to the present Robert Gordon of Garvery, who, after his brother's decease, succeeded to him. I had lately sent me an attested account of this worthy gentleman's sufferings, too large to be insert here. They began after Bothwell, where Mr. Gordon was: his house at Carnavel, lying on the high road betwixt Ayr and Galloway, was often spoiled by the soldiers in their marches, and the gentleman was forced for a long time to forsake his own house and wander in the mountains, and in his absence great ravages were committed. Three troops were quartered upon his family, who cut down a large bank of young trees, destroyed his corn and meadows, killed great numbers of his sheep, and took away what they pleased from him and his tenants. At the same time, four companies of foot, quartered in the church-yard of Carsfairn, not far from his house, and they brought in multitudes of his sheep, killed and ate them. In short, Garvery was forced to retire to London, and, after he had ventured home, 1683, he underwent great hardships, and was obliged to hide till the liberty 1687."—*Ed.*

1667. Nothing could be proven, and with difficulty he got out, upon giving bond to compear when called, under penalty of ten thousand merks. At the same time I find the council liberates one Carmichael, alleged to have been at Pentland, upon his signing an obligation to serve at sea in a frigate. But I come to end this section, with some account of the procedure of the government, in forfeiting such who were not catched at Pentland, and others who had not been there, in August this year; and some hints at the sufferings of others upon the account of that rising, of which I have no particular dates, but they come in natively enough here.

Upon the 15th of August, the earl of Athole justice-general, and Sir John Hume of Renton justice-clerk, with the two assessors appointed by the council, the earls of Linlithgow and Dumfries, hold a justice-court at Edinburgh. Their main design was against the lairds of Caldwell and Kersland, whose estates were to be given the general and lieutenant-general, for their good services.

Sir John Nisbet the king's advocate produceth a commission signed by the commissioner Rothes, to pursue criminally before the justice-court, and for forfeiting these following persons in their lives and fortunes, as being in the late rebellion in the west, viz. "colonel James Wallace, major Joseph Learmont, William Maxwel of Monrief younger, John M'Clellan of Barscob, John Gordon of Knockbreck, Robert M'Clellan of Barmageichan, James Cannon of Burnshalloch younger, Robert Cannon of Montdrogat younger, John Welsh of Star, —— Welsh of Cornley, —— Gordon of Garrary in Kells, Robert Chalmers brother to Gadgirth, Henry Grier in Balmaclellan, David Scot in Irongray, John Gordon in Middleton of Dalry, William Gordon there, John M'Naught there, Robert and Gilbert Cannons there, Andrew Dempster of Carradow, James Grierson of Dargoner (who was delayed), James Kirk of Sundaywell, —— Ramsay in Mains of Arniestoun, John Hutchison in Newbottle, —— Row, chaplain to Scotstarbet, Patrick Listoun in Calder, Patrick Listoun his son, James Wilkie in Maips of Cliftounhall, William Muir of Caldwell, the good-man of Caldwell, Mr. John Cuningham of Bedland, William Porterfield of Quarreltoun, Alexander Porterfield his brother, Robert Ker of Kersland, William Lockhart of Wicketshaw, David Pe in Pokellie, Mr. Gabriel Semple, Mr. John Semple, Mr. John Guthrie, Mr. John Welsh, Mr. Samuel Arnot, Mr. James Smith, Mr. Alexander Pedin, Mr. —— Orr, Mr. William Veitch, Mr. —— Paton, Mr. John Crookshanks, Mr. Gabriel Maxwel, Mr. John Carstairs, Mr. James Mitchel, and Mr. William Forsyth."

What hath been remarked upon the proclamation, December 4th, above narrated discharging reset and converse with those above named, needs not be repeated here. Some here insert, as Mr. Crookshanks, were dead, and some others named had no being: and we shall afterward hear, that the council correct the names of some of them, in the indemnity which comes down this year. Upon dittay given in against these persons by the advocate, which I have insert below,* the court decerns them

* *Indictment against colonel Wallace, &c.* 1667. Curia justiciaria, S. D. N. regis, tenta in prætorio burgi de Edinburgh, decimo quinto die mensis Augusti, 1667, per nobilem et potentem comitem Joannem, comitem de Athole, justiciarium generalem dicti supremi nostri regis, et dominum Joannem Hume de Rentoun, militem, clericum justiciarium dicti S. D. N. regis.

Curia legittime affirmata.

Assessors to the justices:—
Alexander earl of Linlithgow,
William earl of Dumfries.

My lord advocate produced an act of his majesty's privy council whereof the tenor is insert above.

The which day, colonel James Wallace, major Joseph Learmont, —— Maxwell of Monrief younger, —— Maclellan of Barscob, —— Maclellan of Balmagachan, —— Cannon younger of Barnshalloch, —— Cannon younger of Barley, —— Cannon younger of Mondrogget, —— Welsh of Skar, —— Welsh of Cornley, —— Gordon of Garery in Kells, Robert Chalmers brother to Gadgirth, Henry Grier in Balmaclellan, David Scot in Irongray, John Gordon in Midton of Dalry, William Gordon there, William Macnaught there, Robert and Gilbert Cannons there, —— Gordon elder of Bar of Kilpatrick-durham Patrick Macnaught in Cumnock, John Macnaught his son, —— Gordon younger of Holm, —— Dempster of Carridow, —— —— of Dargoner, —— —— of Sundiwall, —— Ramsay in the Mains of Arniston, John Hutchison in Newbottle, —— Row Chaplain to Scotstarbet, Patrick Liston elder portioner of Langton, William Liston his son in Crofthead, Patrick

to be denounced rebels, and their lands to fall to his majesty's use, as outlaws and fugitives from his majesty's laws, upon their noncompearance. It seems a simple forfeiture was not reckoned a good enough claim for the estates now to be disposed of, and therefore the advocate urged to have a sentence of death passed 1667.

Liston younger in Over-liston, —— Wilkie in the Mains of Cliftonhall, William Muir of Caldwell, John Caldwell of Caldwell, Robert Ker of Kersland, Mr. John Cunningham of Bedland, William Porterfield of Quarrelton, Alexander Porterfield his brother, William Lockhart of Wicketshaw, John Hutchison of Harelaw, —— Bell of Middlehouse, William Denholm of Wasteshields (his name is not in my lord advocate's Warrant, to be insisted against, and was past from judicially, and therefore is delete) David Poe in Pokelly, Mr. Gabriel Semple, John Semple, Mr. John Guthrie, Mr. John Welsh, Mr. Samuel Arnot, Mr. James Smith, Mr. Alexander Pedin, Mr. —— Orr, Mr. William Veitch, Mr. —— Paton, Mr. John Cruikshanks, Mr. Gabriel Maxwell, Mr. John Carstairs, Mr. James Mitchell, Mr. William Forsyth, being oftentimes called to compear before his majesty's justice-general, justice-clerk, or justice-deputes, to have underlien his majesty's laws for the crimes following, mentioned in the dittay: that where, notwithstanding by the common laws, and the law of nations, and the laws and practice of this kingdom, and many clear and express acts of parliament, the rising of his majesty's subjects, or any number of them, and their joining and assembling together in arms, without his majesty's command, warrant, or authority, and when the same is not only without, but against and in opposition to his majesty, and his authority and laws, are most horrid and heinous crimes of rebellion, treason, and lese-majesty in the highest degree; and all persons committing or guilty of the crimes, or any ways accessory thereto, or who do abet, assist, reset, or intercommune with, or keep correspondence with such rebels, or otherwise do supply them in any manner of way; and being required by proclamation or otherwise, do not rise with, and assist his majesty's lieutenant, and others having power and authority for repressing the said rebels, ought to be proceeded against, and severely punished as traitors, conform to the laws and acts of parliament of this kingdom: and in special it is statute and ordained by the 3d act of king James I. his first parliament, "That no man openly or notourly rebel against the king, under pain of life, lands, and goods." And by the 27th act of the said king James I. his second parliament, it is statute, "That no man shall wilfully resist, maintain, and do favour to open and manifest rebels against his majesty and the common laws, under the pain of forfeiture." And by the 14th act of king James II. his sixteenth parliament, entituled, "sundry points of treason," it is statute, "That if any man do, or commit treason against the king's person or his majesty, or rises in fier of war against him, or resets any that has committed treason, or supplies them in help, ease, or counsel, they shall be punished as traitors." And by the 144 act of king James VI. parl. 12. it is statute, "That where any declared traitor repairs in any part of this realm, none of his majesty's subjects shall presume to reset, supply or intercommune with them. or give them any relief or comfort; and that immediately upon their repairing in the bounds, all his majesty's good subjects do their exact diligence in apprehending the said traitors and rebels; and that with all speed they certify his majesty, or some of his sacred council, or some persons of authority and credit within the shire, that such rebels are within the same, under the pain that the said rebels and traitors ought to sustain, if they were apprehended, and convicted by justice." Likeas, by the 5th act of his majesty's late parliament, and first session thereof, it is declared, "That it shall be high treason to the subjects of this kingdom, or any number of them, more or less, upon any ground of pretext whatsomever, to rise and continue in arms, to make peace or war, to make treaties or leagues with any foreign princes or estates, or amongst themselves, without his majesty's special authority and approbation first interponed thereto; and all other subjects are discharged, upon any pretext whatsomever, to attempt any of these things under the said pain of treason." And by the 7th act of the foresaid parliament, and first session thereof, all his majesty's subjects are inhibited and discharged, that none of them presume, upon any pretext or authority whatsomever, to require the renewing or swearing of the league and covenant, or any other covenant or public oaths, concerning the government of the church and kingdom, without his majesty's special warrant and approbation; and that none of his majesty's subjects offer to renew or swear the same, without his majesty's warrant, as they will be answerable at their highest perils. Nevertheless, the foresaid persons and their associates, shaking off all fear of God, and conscience of duty and loyalty to his majesty, their native sovereign prince, and natural tenderness to their country, have most perfidiously and treasonably contravened the said laws and acts of parliament, and committed the crimes foresaid in manner above specified, in so far as this his majesty's ancient kingdom, having for many years suffered and incurred all the calamities and miseries, and tragical effects and consequents of a civil war and foreign usurpation, and now, after his majesty's happy restitution, beginning to recover of so long and wasting a consumption, through the blessing of God, and his majesty's incomparable goodness and elemency, and having, by an act of oblivion, secured the lives and fortunes of the said persons, and others who were conscious to themselves, and might have justly feared to be under the lash and compass of law and justice; and when his majesty and his good people, had just reason to expect security and quiet at home, and assistance against his enemies abroad, yet they, and a party of seditious persons, retaining and persisting in their inveterate disloyalty and disaffection to his majesty's government and laws, did take advantage and opportunity of the time, when he was engaged in a chargeable and bloody war, with divers of his neighbour princes and estates, being jealous of, and envying his majesty's greatness and prosperity, and the happiness of these kingdoms under his government, and having

upon as many of them as he saw
1667. fit to insist against. The difficulty was obvious which lay against this illegal proposal; the persons were absent, and it had not been a practick to put an indictment to the knowledge of an assize, and examine witnesses in absence of parties. To obviate this, the advocate, having before-

contrived and projected a most horrid insurrection and rebellion, tending to involve his majesty's kingdoms in blood and confusion, and to encourage and strengthen his enemies, did rise, convene, and assemble themselves together in arms, and upon the——day of November last, did march to, and enter within his majesty's town of Dumfries in a hostile manner, with their drawn swords and other arms, and did beset the house where Sir James Turner and other of the officers of his majesty's forces were lodged for the time, and did violently seize upon the said Sir James his person and goods within his lodging, and did detain and carry him about with them captive, as a lawful prisoner taken from an enemy, and did search for, and would have taken the minister of the said town, if he had not escaped; and while the foresaid persons were in the said town, they, their accomplices, and associates, did many other acts of insolence and rebellion; and having in manner foresaid, openly avowed and proclaimed their rebellion in so public and insolent a way, to the great contempt and affront of authority, they and their complices, in pursuance of the same, did convocate his majesty's people and subjects, and endeavoured to stir them up, and persuade them to join in the foresaid rebellion, and seize upon the persons, horses, and arms, and plunder and rifle the goods and houses of divers his majesty's good subjects, and in special of faithful and loyal ministers; and, by seditious sermons, insinuations, and other practices, did so far prevail in the stewartry of Kirkcudbright, and the shire of Wigton, and the shires of Ayr, Lanark, and other western shires, that many persons flocking and resorting to them and their complices, they had the boldness and confidence to send a considerable party to his majesty's town of Ayr, and seize upon and take all the arms were there; and not content to proceed to the height of rebellion in manner foresaid, they and their complices, did presume to regulate their monstrous and irregular rebellion, and in the formality and frame, and under the name and notion, to form and model themselves in companies and regiments, and to name captains of foot, commanders of troops, and other officers, under the command of the said colonel James Wallace, Joseph Learmont, and other persons of known disaffection to his majesty and his government; and though his majesty's lieutenant-general did march speedily for repressing the said rebellion and insurrection, and his majesty's council did emit and issue a proclamation, declaring the said insurrection to be a manifest and horrid rebellion, and high treason, and commanding the said rebels to desist and lay down arms; with certification if they would continue in their rebellion, they should be proceeded against as desperate and incorrigible traitors; and discharging all his majesty's subjects to join, reset, supply, or intercommune with them, and commanding them to rise and join with his majesty's lieutenant-general, and the forces under him, under the pain of treason; yet the foresaid persons and their accomplices, did obstinately continue and march through the country, in their modelled army, as if they had been an enemy, and in a capacity to encounter and dispute with arms with his majesty, their sovereign lord, and his forces; and did, in a warlike and hostile manner and posture, enter within his majesty's town of Lanark, and there, upon the 26th day of November, to palliate their rebellion with the colour of religion, did renew and take the oath of the covenant, and thence did march, quartering all alongst upon, and oppressing his majesty's good subjects, until they had the boldness and confidence to approach within two miles of his majesty's city of Edinburgh, where his judicatories and lords of privy council and session were sitting for the time, and having quartered all night within the parish of Collington, at so near a distance from the said city, the said persons and their accomplices, upon Wednesday the 28th day of November, did dare and presume to encounter and fight with his majesty's armies and forces, under the command and conduct of his majesty's lieutenant-general, and other officers, at Pentland-hills, and did wound and kill in the said fight or conflict, divers of his majesty's good subjects, and endeavoured and did all they could to destroy his majesty's army, until, by the mercy of God, and conduct and valour of his majesty's lieutenant, and other officers and soldiers under him, they were vanquished, routed, and dissipated. Likeas, notwithstanding the laws, acts of parliament, and proclamation foresaid, and that thereafter a proclamation was emitted upon the 4th day of December, whereby his majesty, with advice of his privy council, did again discharge and inhibit all his subjects, that none of them should offer or presume to harbour, reset, supply, correspond with, or conceal the persons therein mentioned, or any other who concurred or joined in the said last rebellion, or, upon account thereof, appeared in arms in any part of this his majesty's kingdom, but to pursue them as the worst of traitors, and present such of them as they shall have in their power, to the lords of privy council, sheriff of the shire, or magistrates of the next adjacent burgh royal, to be by them forthcoming by law; certifying all such as should be found to fail in their duty therein, they should be esteemed and punished as favourers of the said rebellion, and as persons accessory and guilty of the same. Nevertheless divers of the foresaid persons, did not only disloyally fail in their duty, and did not rise and join with his majesty's lieutenant-general, and officers under him, for repressing and subduing the said rebels, but most perfidiously and treasonably did their utmost endeavours to advance, strengthen, and promote the said rebellion; and, in order thereto, in the months of one thousand six hundred and sixty-six, and several days thereof, or one or other of the said months or days, they met and convened at the Bank-end, Caldwell, Knockenmade, Chitterfleet, the Mearns, and divers other places within the western shires, and sheriffdoms of

hand practised upon the lords of session, and obtained their judgment in this case, produceth in court a query to the lords of council and session, with their answer, which I shall here insert, as a document of the equity of those times.

Query.—" Whether or not a person guilty of high treason, may be pursued before the justices, albeit they be absent and contumacious; so that the justices, upon citation, and sufficient probation and evidence, may pronounce sentence and doom of forfeiture, if the dittay be proven? The reason of the scruple is, that processes of forfeiture are not so frequent, and that in other ordinary crimes, the defenders, if they do not appear, are declared fugitives, and that the following reasons appear strong and relevant for the affirmative. 1mo, By common law, albeit a person absent cannot be condemned for a crime, yet in treason, which is *crimen exemptum*, this is a speciality, that absents may be proceeded against and sentenced. 2do, By act 1. Jam. V. parl. 6. it is declared that the king has good cause and action, to pursue all summons of treason, committed against his person and commonwealth, conform to the common law, and good equity and reason, notwithstanding there be no special law, act, or provision made thereupon; and therefore, seeing by the common law, persons guilty of lese-majesty may be proceeded against and sentenced, though they be absent, it appears that there is the same reason, that the justices should proceed against, and sentence persons guilty of treason though absent, and that they are sufficiently warranted by the said act to do so. 3tio, It is inconsistent with law, reason, and equity, that a person guilty of treason should be in a better case, and his majesty in a worse, by the contumacy of a traitor, the same being an addition, if any can be, to so high a crime; and that he should have impunity, and his majesty prejudged of the casualty and benefit arising to him by his forfeiture. 4to, The parliament is in use to proceed and pronounce forfeiture, though the party be absent; and in so doing, they do not proceed by a legislative way, but as the supreme judges: and the parliament being the fountain of justice, what is just before them, is just and warrantable before other judicatories in the like cases. 5to, By the above-mentioned act of parliament, it is statuted, that summons and processes of treason, may be intented and pursued, after the decease of the delinquent, against his memory and estate, for deleting the one and forfeiting the other, whereupon sentence may follow to the effect foresaid. And therefore, seeing sentence may follow, where the delinquent cannot be present, and is not in being, it were against all reason, that where they are wilfully and contumaciously 1667.

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and did conclude and resolve to join with the said rebellious party; and being armed with swords, pistols, and otherwise, they joined themselves in troops and companies, and did elect and choose captains, lieutenants, and other officers, and did accept the said charges and employments, and did accordingly ride and march from place to place, and did write letters to friends and neighbours to join with them, and did intercept letters, that thereby they might have notice and intelligence where his majesty's armies and forces were, and of their forces, motions, and designs; and, to the same purpose, did go and send out others for intelligence, and divers other acts of treason and hostility, and in the months foresaid, as also, after the defeat of the said rebellious party, in the ensuing months, betwixt the said defeat and the date of the said proclamation, and one or other of the said months, and several days thereof, the foresaid persons, within the said western shires and sheriffdoms of within their own bounds, and their own tenants' houses, and other places, did harbour, conceal, reset, supply, correspond, and intercommune with the persons particularly abovenamed, contained in the said proclamation, the said 4th of December, one thousand six hundred and sixty-six years, and others who concurred and joined in the said late rebellion, and who upon that account appeared in arms. In doing of which, and one or other of the said deeds, the foresaid persons, and ilk one of them, have committed and incurred the pains and crimes of treason, and are guilty of being authors, actors, accessory, art and part thereof; which being found by an assize, they ought to be punished in their persons and goods, to the terror and example of others; as they who, upon the 29th of May, 26th, 27th, and 28th days of June, 1st, 2d, and 3d days of July, respective, last bypast, were lawfully charged by John Telfer herald, Alexander Murray, and James Alison pursuivants, to have found caution acted in the books of adjournal for that effect, lawful time of day being bidden, and the forenamed persons not entering nor compearing to the effect above-written.

1667. absent, they should not be proceeded against, and sentenced if they be guilty: and it were most unjust, that his majesty should be forced to call a parliament for punishing and forfeiting of persons being absent; or that he should wait until they die, especially seeing in the interim the probation may perish by the death of the witnesses."

This is the utmost so good a lawyer could go, in reasoning for this stretch against these worthy gentlemen. I shall not pretend to answer the reasons brought from an old and antiquated law in times of popery, nor from the king's interest, which seems fully to be answered by the simple forfeiture, nor consider the reasoning from parliamentary power to that of inferior judges: I am well assured that any lawyer could very easily expose the weakness of such arguing; only it may be remarked, that as soon as a parliament sat, it was found needful to approve *ex post facto* this reasoning, and the following answer.

Opinion of the Lords of Session.

"The lords of council and session having considered the query presented to them by the lord Bellenden, his majesty's treasurer-depute, it is their opinion, that upon the justices' citation, and sufficient probation taken before the judges and assize, they may proceed, and pronounce sentence therein, and forfeiture against the persons guilty of high treason, though they be absent and contumacious. Jo. GILMOR, I. P. D."

Matters being thus prepared to the lords' hands, they declare their own power, and go on to their work, find the dittay relevant, and refer it to an assize. That day the advocate insisted against colonel Wallace, major Learmont, Barscob, Mr. John Welsh, Mr. James Smith, Patrick Liston, his son, and Quarrelton. Their process I have insert below.* They had some difficulty to get an assize, but at length made a shift; and it is made up of officers in the army, the general's servants, and some papists. Sentence was pronounced the same day,

* *Process against Colonel Wallace*, 1667.

My lord advocate produced a warrant and order direct to him by his majesty's commissioner. The justices find, that, conform to my lord advocate's desire, the forenamed persons may be both declared fugitives, for their contumacy and not appearing, and also insisted against for their forfeiture. The criminal letters being read, my lord advocate produced particular dittays against certain persons. The justices find the dittays relevant, and ordain the same to be put to the knowledge of an assize. My lord advocate declared he insisted *primo loco* against the persons following. viz. colonel Wallace, major Joseph Learmont, John M'Clellan of Barscob, Mr. John Welsh, Mr. James Smith, Patrick Liston in Calder, William Liston his son, William Porterfield of Quarrelton. The justices continue the trial of James Cannon of Barley, and James Grierson of Dargoner, until the first Tuesday of November, being the fifth day thereof; as also continued the trial of the forenamed persons to the 15th day of November next to come, except these already guilty this day, and to be tried to-morrow.

ASSISA.

James Somerwell of Drum,
William Rig of Carberry,
Sir Robert Dalziel of ———
Walter Kennoway secretary to the general,
John Ruthven tutor of Carden,
William Melvile of Dysart,
Colonel James Hay,
Sir John Falconer knight,
James Lockhart of Cleghorn,
James Hepburn of Bearford,
James Weems of Pitcanny,
George Elphinston of Selmes,
Major George Grant,
James Johnston of Sheens,
Sir William Bellenden knight,

The assize sworn, no objection in the contrary.

Sir James Turner, aged fifty years or thereby, sworn, depones, That he saw colonel Wallace, Learmont, Barscob, Smith and Welsh, at Dumfries, Ayr, Lanark, Collington, Pentland, or at some of the said places: depones, That Wallace and Barscob acted as commanders of the rebellious party: depones, That they had all pistols and swords, both the three commanders, and Smith and Welsh ministers; that they were all at Pentland in arms in the rebels' army.

JA. TURNER.

David Scot in Bridge-end of Cornwall, aged forty years or thereby, married, sworn, depones, That he saw the foresaid persons at Ayr, Lanark, and other places, with the rebels; that Wallace and Learmont commanded in chief; that he saw Barscob there, and that the third in the army: depones, That he went with the rebels, and that all the foresaid commanders and ministers were in arms, with horses, swords, and some of them with pistols. DA. SCOT.

Daniel Mitchel in Cumnock, aged forty years or thereby, married, sworn, depones, That he saw Wallace, Learmont, Barscob, Welsh, and Smith with the rebels, all alongst until the conflict at Pentland: depones, That he knows that Wallace, Learmont, and Barscob had command in that army; that they all had horses and arms; that he saw them march towards the day of the fight.

William Lawrie of Blackwood, aged years or thereby, married, depones, That he saw Wallace and Learmont with the rebels at Bath-

and all the abovenamed were forfeited in life and fortune. It may be remarked, that Sir James Turner was the first witness who swore in this process, though it is plain he could not well purge himself of malice; yea, the privy council itself, corrupt as it was, found him guilty, and condemned him afterwards, 1667.

gate; that Wallace sent a letter with the deponer to the general of the king's forces; that Wallace commanded the rebellious party; that at Collington he asked who was Mr. John Welsh at a person, and he was shown to him by that person; that he knew not Wallace of before, but he himself and that party called him so, and that they said he commanded; that Wallace sent a letter signed with his hand in manner foresaid.

WILL. LAWRIE.

Patrick Bisset, bailie of Lanark, aged years or thereby, sworn, depones, That James Wallace, Joseph Learmont, were with the rebels, and in the deponent's house, but knows none of the rest; that Wallace and Learmont commanded in chief, and they had swords, pistols, and horses.

PAT. BISSET.

David Fanny in aged thirty years, married, sworn, depones, That he saw Patrick Liston elder, and William Liston his son, with the rebels in arms, at the deponent's own house, in the parish of Ratho, the day before the conflict at Pentland: depones, he saw them march away with the rebels; that Patrick Liston did draw sheaves out of the deponent's yard; that Patrick Liston had a sword, two pistols, and a dirk.

Hugh Finny in Plate, aged thirty-six years or thereby, married, sworn, depones, That Patrick Liston was with the rebels at the Plate, in the parish of Ratho; that the deponer saw Patrick Liston in arms with a sword and dirk; that he came there with the rebels, and went away with them, and that he knew the said Patrick Liston elder to be one of the rebels' number; that he went away with them the day before the fight.

Archibald Hodge in Orton, in Ratho parish, aged thirty-six years, sworn, depones, That Patrick Liston and his son William were riding with the rebels, that he saw them at the east end of Ratho kirk, that day they came to Collington; that the said Patrick had a sword and two pistols; that William had a sword; that both of them went with the rebels.

William Gillespie at Newbridge, in Kirkliston parish, aged fifty years, married, sworn, depones, That he saw Patrick Liston elder, and William Liston his son, in company with the rebels, with swords and pistols.

James Cochran in Knockenmade, aged fifty years, or thereby, married, sworn, depones, That upon Saturday before the defeat of the rebels, Bedland, Mr. Gabriel Maxwell, Kersland, and another minister, came to the deponer's house about midnight, and stayed a long time: depones, That immediately thereafter he heard Caldwell give order to his tenants, to meet at Chitterfleet with their arms and best horse; this was at the deponer's house. That the Sunday in the morning, depones, That these persons, and besides them, Quarrelton, Blackston, and Quarrelton's brother, the good-man of Caldwell *younger*, Mr. John Carstairs, and others, did meet on that Sunday at the Chitterfleet; that the deponer, being one of Caldwell's tenants, was there: depones, That while they were at Quarrelton, he heard that the earl of Eglinton's man was taken, and his letters taken from him, but saw him not. Depones, That they did march from Chitterfleet to Langton in the night, and from Langton to Kilbride, William Porterfield being one of them; that they were thirty-nine horsemen in number, armed with swords, and some had pistols: depones, they marched from Kilbride to the House of the Muir in troop and order, Caldwell and Mr. Gabriel Maxwell on their head, and Blackston in the rear: depones, he heard Mr. Gabriel Maxwell say to Blackston, Go to your place in the rear, and Blackston did so. Depones, That seeing some country people, imagined them to be the general's army; and that Caldwell and the other gentlemen did retire and put themselves in order, but it was found to be country people driving their horse: that when the gentlemen first saw them, they imagining them to be of the general's army, that they retired to a moss. Depones, That he heard Caldwell and that party speaking amongst themselves, that they would go to the southland army; and that he heard Caldwell and Mr. Gabriel Maxwell say this, that if Porterfield of Quarrelton were at them, that they would keep a private council. Depones, That the country people on the Monday at night, fearing that they would join with the rebels, desired to go home, and that Mr. Gabriel Maxwell threatened them, and said, If they would go, they might meet with a miresnype.

John Stevenson in Ramshead, aged fifty years, or thereby, sworn, depones, That Caldwell's officer warned him and the rest of the tenants, to meet their master at Chitterfleet, and that Caldwell gave him a sword. Depones, That he saw William Porterfield of Quarrelton, and the rest of the gentlemen at Chitterfleet. Depones, That the earl of Eglinton's man was taken before he came, that he saw the footman there, that he heard his letters were broken up, and that they kept him prisoner till night. Depones, to the number and names of the other persons, to their journey and travelling, *conformis præcedenti*, that Blackston was with them. Depones, they formed themselves in troops, that Mr. Gabriel Maxwell desired them to ride in order, and there the deponer heard Mr. Gabriel Maxwell desire Blackston to go to his place in the rear, and accordingly he did go: that the gentlemen seeing the country people, imagining them to be the general's men, feared and retired out of the way. Depones, that the gentlemen told that they were to go by Douglas and that way; the deponer and the rest hearing that, suspected, and would not go with them; that Mr. Gabriel threatened them, and said they might meet with a miresnype, if they would go away; that William Porterfield of Quarrelton was all alongst with them.

John Neilson in Ramshead, aged thirty-six years, or thereby, married, sworn, depones, That he knows nothing of their riding in order, nor Blackston's riding in the rear, that he saw none of the country people, that Caldwell and the rest of the gentlemen never told them whether they were to go to the southland party;

1667. for oppressing them, as we shall hear.

Next day, August 16th, the chief part of the process comes on; and the advocate declares, that he insists against William Muir of Caldwell, John Caldwell of Caldwell younger, Robert Ker of Kersland, Mr. John Cuningham of Bedland, Alexander

as to their being at Chitterfleet, the rest of their journey and number, depones *conformis præcedenti*, and to the threatening of Mr. Gabriel Maxwell, and depones that Quarrelton went all alongst with them.

John Anderson in Caldwell, aged twenty-four years, or thereby, not married, sworn, depones, That the laird's officer warned them to go alongst with him, and that he did go; knows nothing of the earl of Eglinton's servant; as to their journey, number and marching, depones *conformis præcedenti*. Depones, that once they were in order of a troop, That Mr. Gabriel Maxwell rode on the head, and Blackston on the rear, that he saw William Porterfield of Quarrelton go alongst. Depones as to the country people conform to James Cochran. Depones, That on Monday the deponer suspected they were to go to the southland army, that he heard some such surmise of that kind. Depones, That he heard that Eglinton's man was taken, and his letters broken up, that as soon as the deponer heard that they were going to the southland party, he thought it was a wrong way, and would not go with them, that Caldwell his master desired him to stay.

John Caldwell in Lochend, aged thirty years, or thereby, married, sworn, depones, That the laird's officer warned him to meet him at Chitterfleet. Depones, That Bedland, the good-man of Caldwell, Mr. Gabriel Maxwell, Mr. John Carstairs, and divers others, that they were betwixt thirty and forty in number, knows nothing of the earl of Eglinton's servant, but heard of it: as to their marching, depones *conformis præcedenti*, and that sometimes Caldwell and Mr. Gabriel Maxwell did put them in order; that he saw Blackston go to the rear and ride, that he saw the country people and the gentlemen were feared, conform to the foresaid depositions. Depones, he heard among the gentlemen, that they were to go to the southland party, whereof he and the rest of the commons hearing, they would not go any further; that Caldwell commanded his tenants to stay, but they would not; that Mr. Gabriel Maxwell threatened in manner foresaid.

William Caldwell in Whitehouse, aged years, or thereby, not married, sworn, depones, That he was warned by the officer, conform as is before deponed. Depones, he saw at Chitterfleet the laird of Caldwell, the good-man of Caldwell, Kersland, Blackston, Quarrelton, and several others. Depones, he saw the earl of Eglinton's servant there, and heard his letters were broken up, and he kept prisoner; as to their marching, depones *conformis præcedenti*, that once they were ranked in a troop, and that Blackston rode in the rear; he did hear the gentlemen speaking about their going to the southland army, and that the king's lifeguard was betwixt the gentlemen and them.

Robert Ker in Kersland, aged sixty years, or thereby, married, sworn, depones, That the laird of Kersland his master desired him to go to the fields with him, and that he, suspecting it to be to the rebels, answered, It was better to stay at home and keep the cow and the kail-stock, and better to suffer than fight against the king.

John Stuart in Swinrigmuir, aged thirty-six years, or thereby, depones, he was at Chitterfleet, that Caldwell, the good-man of Caldwell younger, Blackston, and Quarrelton, and his brother, Kersland, Bedland, Cuningham, Mr. Gabriel Maxwell, Mr. John Carstairs, and others were there; that he was there when the earl of Eglinton's servant was taken, brought in, and the letters broken up, and that he was kept till night as a prisoner; as to their marching and number, riding in order, *conformis*; that Mr. Gabriel Maxwell said to Blackston, Go to the rear, and he went; that as to the sight of the country people, the gentlemen went away; the gentlemen said they intended to see the southland party. Depones, That Kersland told him he was to join with the southland party, and the deponer said, he thought it not good; his master said, the deponer might go where they went; that when they were at Kilbride, it was told them that the king's army was betwixt them and the southland party, and thereupon the gentlemen retired to the House of the Muir. JOHN STUART.

Robert Craig in the parish of Beith, aged forty years or thereby, married, sworn, depones, he was at Chitterfleet, depones he was the person that took the earl of Eglinton's servant, and that John Stevenson was with him; that after the boy was taken, Blackston's servant came and brought the boy and the deponer to the gentlemen, that his master's letters were broken open, and he kept prisoner; that the deponent went to Langtoun with the gentlemen, that Caldwell, Kersland, Blackston, and Mr. Gabriel Maxwell, commanded the deponer to take the earl of Eglinton's servant; depones, he heard at Knockmade, that the gentlemen were to join with the southland party.

Patrick Houston, servant to the earl of Eglinton, aged twenty years or thereby, not married, sworn, depones, That he was taken near Chitterfleet, and his letters broken open, that he saw Caldwell, Blackston, and Bedland, that Bedland was melting lead, that he got the letters broken open.

The assize, by plurality of voices, elects James Somerwel of Drum its chancellor. The assize, all in one voice, by the mouth and judicious declaration of the said James Somerwel elder of Drum, their chancellor, finds the said colone. James Wallace, Joseph Learmont, Mr. James Smith, and Mr. John Welsh, guilty, and culpable of treasonable crimes contained in their dittays, viz. the said colonel James Wallace, and Joseph Learmont, to have been and had accession to the late rebellion, and had charge and command in the rebellious army, and commanding in chief therein, and of being with the said rebels at Lanark, Collington, at the conflict at Pentland, and other places in the rebellion. And the said Mr. James Smith and Mr. John Welsh, to be guilty of joining with the said rebels, and going alongst, and marching with their horse and arms from place to place, and being at Lanark, Collington, and Pentland,

Porterfield, Maxwel younger of Monricf, Balmageichan, Montdrogat, Robert Chalmers, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Peden, Mr. William Veitch, Mr. John Crookshanks, and Mr. Patrick M'Naught. Their process being short, I have insert it below,* and their sentence is the same. Mr. Gabriel Maxwel, minister at Dundonald, was upon the same account forfeited in life and fortune, four years after this, December 22d, 1671, by the justice-court. What the reason of this delay was, I do not well know. His process I have before me, but it needs not be insert; for the depositions of James Cochran, John Stevenson, John Wilson, 1667.

with the rebels. And also the said John M'Clellan of Barscob, to be guilty of the crime of rebellion, specified in his dittay, and having command in the rebels' army, and going alongst with them in arms. And also they all, in one voice, find the said Patrick Liston elder, and William Liston younger, guilty of rebellion, and joining with the rebels and being in arms with them, and going alongst with them. And siklike, the said assize, all in one voice, found the said William Porterfield of Quarrelton, guilty, and culpable of the treasonable crimes specified in his dittay, in joining and being in arms with Caldwell and others in the said rebellion, and meeting, convening, and keeping committees together to that effect, and of being present at the taking of Patrick Houston, servitor to the earl of Eglinton, breaking open of his letters, and when he was kept prisoner, and marching and drawing up, and going alongst in arms with them, in order to their joining with the rebellious party in the west, and of other circumstances specified in his indictment, in respect they found the same sufficiently proven. JA. SOMERWEL.

The 15th of August.

My lord justice-general, my lord justice-clerk, and their assizers, by the mouth of Henry Monteith, dempster of court, decern and adjudge the said James Wallace of Auchanes, John M'Clellan younger of Barscob, Mr. John Welsh, and Mr. James Smith, ministers, Patrick Liston elder in Calder, William Liston his son, and William Porterfield of Quarrelton, to be execute to death, and demeaned as traitors when they shall be apprehended, at such times and places, and in such manner, as my lord justice-general, justice-clerk, or justice-deputes, shall appoint; as also decern and adjudge the forenamed persons, and ilk one of them, of the treasonable crimes above-written, to have forfeited, amitted, and tint all and sundry their lands, tenements, annual rents, offices, tacks, dignities, steadings, rooms, possessions, goods, and gear whatsomever, pertaining to them or either of them, to his majesty's use, which was given for doom. Upon all and sundry the premises, Sir John Nisbet of Dirleton, knight, his majesty's advocate, asked and took instruments.

* *Process against Caldwell, &c.* 1667.

Curia justiciaria S. D. N. regis, tenta in prætorio burgi de Edinburgh, decimo sexto die mensis Augusti, 1667, per nobilem et potentem comitem Joannem, comitem de Athole, justiciarium generalem dicti S. D. N. regis, et dominum Joannem Hume de Rentoun, militem, justiciariæ clericum.

Curia legittime affirmata.

Assessors to the justices:—
Alexander earl of Linlithgow;
William earl of Dumfries.

My lord advocate declares, that he insists now against the persons following, viz. William Muir of Caldwell, John Caldwell of Caldwell younger, Robert Ker of Kersland younger, Mr. John Cunningham of Bedland, Alexander Porterfield brother to Quarrelton, —— Maxwell younger of Murrieff, Robert M'Clellan of Balmageichan, Robert Cannon of Mondrogate younger, Robert Chalmers brother to Gathgirth, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Peden, Mr. William Veitch, Mr. John Crookshanks, Patrick M'Naught in Cumnock, indicted and accused at the instance of my lord advocate, for the crimes contained in their indictments, viz. of treason mentioned therein. The justices find the dittay relevant, and ordain the same to be put to the knowledge of an assize.

ASSISA.

William Rigg of Carberry
Sir Robert Dalziel,
Walter Kennoway, secretary to the general,
John Ruthven, tutor of Carden,
William Melville of Dysart,
Colonel James Hay,
Sir John Falconer,
James Lockhart of Cleghorn,
James Hepburn of Bearford,
James Weems of Pitcanny,
George Elphinston of Selmes,
Major George Grant,
James Johnston of Sheens,
Sir William Bellenden,
James Somerwel elder of Drum.

The assize savorn, no objection in the contrary.

John Reid in Dandilly, aged thirty years or thereby, married, sworn, depones, That Maxwell of Murrieff, Balmageichan, Mondrogate, Chalmers brother to Gathgirth, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Peden, Mr. William Veitch, Mr. John Crookshanks, and Patrick M'Naught in Cumnock, were with the rebels at Mauchline in arms, with swords and horse, and some of them had pistols; and that they were at Pentland, except Peden; that the reason of the deponer his knowledge is, that Mondrogate and Mr. Alexander Peden took him prisoner, and carried him alongst to Pentland. JOHN REID.

William Muir, tenant to Sir Thomas Wallace, aged thirty years or thereby, not married, sworn, depones, That he saw the said Maxwell of Murrieff, and others, with the rebels in arms, except Mr. John Crookshanks and Patrick M'Naught, whom he did not see, but heard they were there: that he saw them at Bathgate, Lanark, and Collington, but he was not at Pentland, and so knows nothing of that. WILLIAM MUIR.

John Mirrie in Smithston, aged thirty years or thereby, married, sworn, depones, That he saw the whole persons compined in John Reid's

1667. John Anderson, John Caldwell, and William Caldwell, "in process,"* are just adhered to before the assize, who bring him in guilty; and the judges pronounce the ordinary sentence. The rest, in the advocate's commission above, are delayed till November, when I do not find they are insisted against, the indemnity and bond of peace being before that time upon the file.

Perhaps it was not so convenient, that general Dalziel, and lieutenant-general Drummond, should come immediately to possess the estates of Caldwell and Kersland, though I am informed they were now secured to them: and therefore at present the rents of these two, and other forfeited persons in Renfrewshire and the neighbourhood, are put into the hands of James Dunlop of Househill, and he is countable

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deposition, with the rebels in arms, saw them marching alongst with that army at several places. JOHN MIRRIE.

Daniel Mitchell in Craigadam, forty years or thereby, sworn, depones, That he saw Murrieff, Mondrogate, Chalmers, Crookshanks, and M'Naught, with the rebels at Lanark, Collington, and other places, in arms, with swords, horse, and pistols, and saw them marching alongst toward Pentland.

James Cochran in Knockmade, sworn, depones, adheres to his former deposition given yesterday, *in omnibus*, and declares expressly that the laird of Caldwell, good-man of Caldwell younger, the laird of Kersland younger, the laird of Bedland, and Alexander Porterfield brother to Quarrelton, were at the meeting at Chitterfleet, and all alongst, as it is contained in the foresaid deposition.

John Stevenson in Ramshead, sworn, depones, adheres to his former deposition taken yesterday, and the whole persons above-written were all at Chitterfleet, and all alongst, as is contained in his former deposition.

John Wilson in Ramshead, sworn, depones, adheres to his former deposition; and further depones, That the laird of Caldwell, the good-man of Caldwell younger, the laird of Kersland, and Bedland, were at Chitterfleet, and other places; but as to Alexander Porterfield, depones he knew him not.

John Anderson, sworn, depones, adheres to his former deposition; and further depones, that the laird of Caldwell, the good-man of Caldwell younger, Kersland younger, Bedland, and Alexander Porterfield, were at Chitterfleet, and all alongst with that party.

John Caldwell, sworn, depones, adheres to his former deposition; and further depones, That the laird of Caldwell, the good-man of Caldwell younger, Kersland, and Bedland, were at Chitterfleet and other places (contained in the said deposition) in arms.

Robert Ker in Kersland, sworn, depones, adheres to his former deposition taken yesterday.

John Stuart, sworn, depones, adheres to his former deposition; and further declares, That the laird of Caldwell, the good-man of Caldwell younger, Kersland younger, Bedland and Alexander Porterfield, were at Chitterfleet, and other places (mentioned in his deposition), in arms, depones he heard them say, they minded to go to the southland party.

Robert Craig, sworn, depones, adheres to his former deposition; and further depones, That he saw the laird of Caldwell, Kersland younger, at Chitterfleet, and other places, and the rest he knew them not, but heard they were there.

Patrick Houston, sworn, depones, adheres to his former deposition *in omnibus*.

The assize, by plurality of votes, elects James Somerwel elder of Drum, in chancellor. The assize, all in one voice, finds the said —— Maxwell of Murrieff, Robert M'Clellan of Balmageichan, Robert Cannon of Mondrogate younger, Robert Chalmers brother to Gathgirth, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Peden, Mr. William Veitch, Mr. John Crookshanks, and Patrick M'Naught, guilty, and culpable of treasonable crimes specified in their dittay, of being in, and upon the said rebellion, and joining with the said rebels, and going alongst with them, and marching with them with their horse and arms, from place to place with the said rebels; as also the said assize, all unanimously in one vote, finds the said William Muir of Caldwell, John Caldwell younger, Robert Ker of Kersland, Mr. John Cunningham of Bedland, and Alexander Porterfield brother to the laird of Quarrelton, guilty, and culpable of treasonable crimes specified in their indictments, in joining and being in arms together in the said rebellion, and meeting and keeping company together for that effect; and of being present at the taking of Patrick Houston, servant to the earl of Eglinton, breaking up of his letters, and when he was kept prisoner, in marching, drawing up, and going alongst with arms in order, of joining together with the rebellious party in the west, and of other circumstances specified in their indictment, in respect they find the same sufficiently proven. JA. SOMERWEL.

My lord justice-general, justice-clerk, and their assessors, therefore, by the mouth of Henry Monteith, dempster of court, decern and adjudge the said William Muir of Caldwell, John Caldwell of Caldwell younger, Robert Ker of Kersland younger, Mr. John Cunningham of Bedland, Alexander Porterfield, brother to the laird of Quarrelton, —— Maxwell of Murrieff, Robert M'Clellan of Balmageichan, Robert Cannon of Mondrogate, Robert Chalmers brother to the laird of Gathgirth, Mr. Gabriel Semple, Mr. John Guthrie, Mr. Alexander Peden, Mr. William Veitch, Mr. John Crookshanks, and Patrick M'Naught, to be executed

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* See Note, p. 73.

to the treasury for them, as appears by his commission, October 12th, this year, which I have insert below.* Some time after, Caldwell's estate is gifted by the king to Dalziel. I have inserted a copy of the gift as a note;† Kersland's is 1667.

to death, and demeaned as traitors, when they shall be apprehended, at such times and places, and in such manner as my lord justice-general, justice-clerk, or justice-depute, shall appoint; and also decern and adjudge the forenamed persons, and ilk one of them, for the crimes above-written, to have forfeited, amitted, and tint all and sundry their lands, tenements, annual rents, offices, titles, tacks, dignities, steadings, rooms, possessions, goods, and gear whatsomever, pertaining to them or either of them, to his majesty's use; which was pronounced for doom; whereupon Sir John Nisbet of Dirleton, knight, his majesty's advocate, asked and took instruments.

* *Commission to the laird of Househill, October 12th, 1667.*

We, John, earl of Rothes, and lord high chancellor of Scotland, John, earl of Tweeddale, William lord Bellenden, his majesty's treasurer-depute, William lord Cochran, and Sir Robert Murray, commissioners of his majesty's treasury of the kingdom of Scotland: forasmuch as there are divers persons within this kingdom forfeited for their late rebellion, and their whole estates, heritable and moveable, by virtue thereof, fallen and become in his majesty's hands; and having thought fit that some speedy course be taken for intromitting with the rents and duties of the said estates, and inventory of the haill goods and gear moveable belonging to them; and, in order thereunto, necessary it is that some confident person be employed and commissionated for uplifting the rents and duties of their lands, and taking inventory of their moveable goods and gear, which pertained to them the time of the late rebellion; and being fully assured of the faithfulness and diligence of James Dunlop of Househill, and of his fitness for uplifting of the same, and of that charge and trust: wherefore to have given and granted, likeas we, by thir presents, give and grant full power and commission to the said James Dunlop, his factors, servants, and others in his name, for whom he will be answerable, to collect, uplift, intromit with, and receive all and haill the rents, mails, farms, kains, and duties, of the lands, baronies, and others lying in the sheriffdom of Renfrew and Ayr, of the crop and year of one thousand six hundred threescore and seven, and siklike of all years and terms bygone, resting unpaid, and yearly and timely in time coming, which pertained of before to the persons underwritten, viz. William Muir of Caldwell, Robert Ker younger of Kersland, Mr. John Cunningham of *Bedland*, William Porterfield of Quarrelton, Alexander Porterfield his brother, major Joseph Learmont of Newholm, within the sheriffdom foresaid, for his majesty's use; with power also to him to take exact inventory of their haill moveable goods and gear, and to secure the same until further order for that effect: and upon the receipt of the said rents and duties, or a part and portion thereof, acquittances and discharges, in his own name, to give, subscribe, and deliver, which shall be sufficient to the receivers; arrest, poind, and distrenzie, therefore, as accords of the law; and generally all and sundry other things necessar and requisite to do in the premises, use and exerce, siklike, and as freely in all respects, as we might do therein ourselves, if we were personally present; and also to call, follow, charge personally, herefore, promising to hold firm, stable, &c. providing always that the said James Dunlop make count and reckoning, and payment to us, or any having our order, of all such sums of money as he or his foresaids shall receive, by virtue of his present commission, which is hereby declared to endure, until he be discharged by us in writ (registration). We have subscribed thir presents with our hands, at Edinburgh, the 12th day of October, 1667, before thir witnesses, Mr. Andrew Oswald and Thomas Moncrief, clerks of exchequer.

ROTHES, BELLENDEN,
TWEEDDALE, COCHRAN.

A. OSWALD, witness.
THOMAS MONCRIEF, witness.

† *Gift of Caldwell's estate to Dalziel, July 11th, 1670.*

CHARLES R.

Our sovereign lord considering the good and faithful service done to his majesty, and his majesty's most royal father, of ever-blessed memory, by his majesty's right trusty and well beloved general, Thomas Dalziel of Binns, lieutenant-general of his majesty's late forces within his majesty's ancient kingdom of Scotland, at several occasions, but chiefly in the month of November, 1666, bypast, by suppressing the battle of a considerable number of his majesty's disloyal subjects of the foresaid kingdom, who, with their associates, most unnaturally rose in arms against his majesty's authority and laws, intending to have overturned the same, and wronged his majesty's good and loyal subjects; besides divers other good services done to his majesty by the said general Thomas Dalziel, by his skilful conduct of the foresaid forces, to the terror of the native traitors, and of his majesty's foreign enemies, who endeavoured to have disturbed and invaded the foresaid kingdom of Scotland; as also his majesty being sensible of the good service likewise done to his majesty, in his kingdom of Scotland, by the said general Thomas Dalziel; and also understanding that the said general Thomas Dalziel has sustained great losses, and undergone very much hardship and sufferings, by long imprisonment, banishment, and otherwise, for his constant loyalty to his majesty; and his majesty being most willing, for his further encouragement to persist in his loyal actings, to confer some signal favours upon him: therefore his majesty, for himself, and as prince and steward of Scotland, with advice and consent of his majesty's right trusty cousins and counsellors, &c. John earl of Rothes, &c. high chancellor of the said kingdom of Scotland, John earl of Lauderdale sole secretary of state of the same kingdom, John earl of Tweedale, William lord Bellenden his majesty's treasurer-depute, William earl of Dundonald, and his majesty's trusty counsellor, Sir Robert Murray late justice-clerk, his majesty's commissioner for the treasury, comptrollery, and

1667. given to Drummond; Major Lermont's estate is given to Mr. William Hamilton of Wishaw; Quarrelton and his brother's to Mr. John Hamilton of Hallcraig.* The copies of the gifts are before me, but being all the same, *mutatis*

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treasury of his majesty's new augmentations; and also with advice and consent of the remanent lords and other commissioners of exchequer, ordains a charter to be past under his majesty's great seal of the foresaid kingdom of Scotland, in due form, giving, granting, and disponing to the said general Thomas Dalziel, his heirs and assignees whatsomever, heritably and irrevocably, all and sundry the lands and others under-written, to wit, all and haill the five-pound land of Knockward, and the five-merk land of Douniflat, with the towers, fortilaces, manor-places, houses, biggings, yards, orchards, tofts, crofts, mills, woods, fishings, commonties, pasturages, coals, coal-heughs, mosses, muirs, meadows, tenants, tenandries, service of free tenants, annexes, connexes, dependances, parts, pendicles, and pertinents thereof whatsomever, lying within the bailiary of Cunningham, and sheriffdom of Ayr; all and sundry the tiend-sheaves, or parsonage-tiends of the same lands of Knockward, with the pertinents; all and haill the five-pound land of Knockmade, and five-merk land of Easter Caldwells, with the towers, fortilaces, manor-places, houses, biggings, yards, orchards, tofts, crofts, mills, woods, fishings, mosses, muirs, meadows, commonties, pasturages, coals, coal-heughs, tenants, tenandries, service of free tenants, annexes, connexes, dependances, parts, pendicles, and pertinents thereof whatsomever, lying within the sheriffdom of Renfrew: all and haill the ten-mark land of Kittockside, with the tower, fortilace, manor-place, houses, biggings, yards, orchards, tofts, crofts, mills, woods, fishings, mosses, muirs, meadows, commonties, pasturages, coals, coal-heughs, tenants, tenandries, service of free tenants, annexes, connexes, dependances, parts, pendicles, and pertinents of the same whatsomever, lying within the sheriffdom of Lanark: and also all and sundry the tiend-sheaves, or parsonage-tiends of the same lands of Kittockside, and five-merk land of Easter Caldwells, above rehearsed, with the pertinents; all and haill the lands of Kippelrig, called of old a 'temple land,' with the privilege of the common muir of Renfrew, for pasturage thereof, with houses, biggings, yards, tofts, crofts, parts, pendicles, and pertinents thereof whatsomever, lying within the parish of Mearns, and sheriffdom of Renfrew: all and haill the tiend-sheaves or parsonage-tiends of the foresaid lands of Kippelrig, with the pertinents. Which lands, tiends and others above-written, pertained heritably of before to William Muir late of Caldwell, at least to some of his predecessors, to whom he is apparent heir of the same lands, and others above rehearsed, holden by him or them, or some one or more of them, immediately of his majesty, for himself, and as prince and steward of Scotland; and are now fallen and become in his majesty's hands, and at his majesty's gift and disposition, for himself, and as prince and steward of Scotland, by reason of forfeiture, by the privilege of his majesty's crown, laws and practique of the foresaid kingdom of Scotland, through the said William Muir his joining in arms with the disloyal and seditious persons in the west, who of late appeared in arms in a desperate and avowed rebellion against his majesty, his government, and laws, of intention to have overturned the same, if they had not been defeat in battle, as said is. And though all clemency was offered to the said William Muir, yet he has refused the same; for which wild act above rehearsed, of rising in arms, as said is, he is declared traitor to his majesty, and all his lands, goods and gear forfeited, as in the sentence and doom of forfeiture, given and pronounced against him by his majesty's justice-general of the said kingdom of Scotland, his majesty's justice-clerk thereof, and the assessors appointed to them by his majesty's privy council of the same kingdom, upon the — day of August, one thousand six hundred sixty and seven years, bypast, at more length is contained. And farther, to the effect the foresaid donature and grant may be the more valid and effectual, his majesty, for himself, and as prince and steward of Scotland, with advice and consent above specified, has dissolved, and by the tenor of the said charter, for his majesty and his successors, kings, princes, and stewards of Scotland, dissolves the whole lands, tiends and others above-written, from his majesty's crown and patrimony thereof, and of his successors, princes and stewards of Scotland, to be peaceably bruiked, joysed, set, used, and disposed upon by the said general Thomas Dalziel, and his above specified, heritably and irrevocably in all time coming. And in testimony thereof, his majesty, for himself, and as prince and steward of Scotland, with advice and consent foresaid, of his majesty's certain knowledge, proper motive, authority royal, and kingly power, has made, erected, created, united, annexed, and incorporated, and by the tenor of the foresaid charter, for his majesty and his successors, kings, princes and stewards of Scotland, makes, erects, creates, unites, annexes, and incorporates the whole lands, tiends and others respective above mentioned, in an haill and free barony, to be called now and in all time coming the barony of ordaining the foresaid tower, fortilace, and manor-place of to be the principal messuage of the same barony; and wills and grants, and for his majesty and his successors, kings, princes, and stewards of Scotland, decerns, and ordains, that a sasine, now to be taken by the said general Thomas Dalziel, and by his heirs and successors above rehearsed, in all time coming, at the foresaid tower, fortilace, and manor-place of or at any other part or place of any

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* Mr. Wodrow, in additions and emendations printed in the 2d vol. of his History, has the following notice:—"When I was giving some account of the disposal of the forfeited estates after Pentland, in common course with the rest, I noticed that the laird of Wishaw and Hallcraig had major Learmond's and Quarrelton's given them; it would be remembered that these two gentlemen had the gifts of these estates, not as general Dalziel and others mentioned, but through interest made for the gentlemen forfeited, and for their behoof, as I am informed since."—*Ed.*

mutandis, it is needless to swell the notes with them. I find the king is prevailed with to pardon Robert Chalmers, condemned at this time, in the year 1669, and I set down below* a copy of his pardon; 1667. that the reader may have all the view I can give him of this affair, all together.

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of the lands above-mentioned, shall stand and be a sufficient sasine for the same haill lands, tiends, and others above rehearsed, now united in the foresaid barony, as said is; but any other special or particular sasine, to be taken by him or them at any other part or place thereof, notwithstanding the same lie not contiguous and together, but in divers jurisdictions: anent the which sasines, and all that shall follow thereupon, his majesty, for himself, and as prince and steward of Scotland, with consens above rehearsed, has dispensed, and by the tenor of the said charter, for his majesty and his successors, kings, princes, and stewards of Scotland, dispenses for ever: to be holden, and to be held all and sundry the lands, tiends, and others respective above-mentioned, all erected in the foresaid barony, and lying as said is, to the said general Thomas Dalziel and his above-written, of his majesty and his successors, princes, and stewards of Scotland, immediate lawful superiors thereof for the time, in fee, heritage, and free barony for ever, by all the rights, miethes, and marches thereof, old and divided, as the same lies in length and breadth, in houses, biggings, &c. mills, multures, &c. hawking, hunting, fishing, &c. with court, plaint, herezeld, &c. and with furk, fok, sock, sack, thole, thame, vert, wraik, waith, ware, venison, outfang-thief, infang-thief, pit and gallows, &c. and all and sundry other commodities, &c. freely and quietly, but any revocation, &c. giving yearly the said general Thomas Dalziel and his above-written, to his majesty and his successors, princes and stewards of Scotland, for the haill lands and others above rehearsed, except the tiends, rights, services, and duties of the same lands, and others above-mentioned, erected in the foresaid barony, as said is, ought and wont therefore, before the forfeiture above specified allenarly; and for the tiends above specified, the blench-duties, or other duties addebted for the same by the said William Muir, before his foresaid forfeiture allenarly. Likeas, his majesty, with advice and consent foresaid, faithfully promits, *in verbo principis*, to cause ratify and approve the foresaid charter, with the precept and instrument of sasine to follow thereupon, and dissolution above exprest, in his majesty's next parliament, to be holden within the said kingdom of Scotland, and that with consent of the estates thereof; and that the foresaid charter shall be a sufficient warrant for that effect: as also his majesty, with advice and consent foresaid, ordains that precepts be directed orderly hereupon, in form as effeirs. Given at the court at Whitehall, the eleventh day of July 1670, and of his majesty's reign, the twenty-second year.

ROTHES, Chanc.	MARISHAL,
TWEEDDALE,	HALKERTON,
KINCARDIN,	Jo. NISBET,
DUNDONALD,	Jo. HUME,
BELLENDEN,	CH. MAITLAND.

Compositio 6. lib. 13. 8.
Registrate 26th September, 1670.

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* *Remission to Robert Chalmers, June 21st, 1669.*

CHARLES R.

Our sovereign lord, out of his special grace and favour, with advice and consent of his majesty's right trusty and well beloved cousins and counsellors, John earl of Rothes, &c. lord high chancellor of the kingdom of Scotland, John earl of Lauderdale sole secretary of state, Alexander earl of Kincardin, William lord Cochran, William lord Bellenden his majesty's treasurer-depute, and of his majesty's trusty counsellor, Sir Robert Murray late justice-clerk, commissioners of his majesty's treasury, comptrollery, and treasury of new augmentations within the said kingdom, and also of the remanent lords commissioners of his majesty's treasury and exchequer of the said kingdom, ordains a letter to be past and expede under his majesty's great seal of the same kingdom, in due form, remitting, pardoning, and forgiving: likeas, his majesty, with advice and consent foresaid, by the tenor hereof, remits, pardons, and for ever freely forgives to Robert Chalmers brother german to John Chalmers of Gathgirth, that heinous crime committed by him in joining himself to, and remaining with those who arose in the late rebellion, in anno 1666, and of all pains and punishments that may be inflicted upon him in his person or goods therefore, and all decreets and sentences of forfeiture (if any be) pronounced against him for the same, with all action and pursuit, civil and criminal, that may be any ways moved or intended against him thereanent: ordaining hereby the foresaid crime never to be remembered against the said Robert Chalmers, but remain in oblivion for ever, siklike as if the same had never been committed by him; and that the said letter be further extended in the best form, with all clauses needful, and that precepts be orderly directed hereupon in form as effeirs. Given at the court at Whitehall, the 21st day of June, 1669, and of his majesty's reign the 21st year.

ROTHES, Chancel.	HALKERTON,
TWEEDDALE,	Jo. GILMOUR,
KINCARDIN,	Jo. NISBET,
DUNDONALD,	Jo. HUME,
MARISHAL,	CH. MAITLAND,
ARGYLE,	Jo. WAUCHOP.

Registrate 10th July, 1669.

May it please your majesty,

These contain your majesty's gracious remission, in favours of Robert Chalmers brother german to John Chalmers of Gathgirth, for the rebellious crime committed by him, through his joining in arms with those who were in the late rebellion, in anno 1666, and of all action, civil and criminal, that may be moved against him for the same.

LAUDERDALE.

Compositio 6 lib. 13s. 4d.

1667. Here I would put an end to this section; but the sufferings of several other gentlemen and heritors, upon the account of this rising at Pentland, offer themselves to me. Most of them were forfeited, but I have not the dates, and so I shall cast them together in this place, with some hints at the sore oppression of their families in the succeeding years. The sufferings of the family of Roberton, in the parish of Borgue, in Galloway, deserve a room here; and I give a hint at them from an attested account now before me. John Gordon of Largmore, with his brother-in-law, William Gordon of Roberton, joined with other gentlemen in the attempt at Pentland, where the said William Gordon was killed, to the great loss of the country where he lived, and his own family, his aged father having no more sons. John Gordon was very sore wounded, and lost much blood; through this, and his lying in the fields some nights after the engagement, when he came home to his own house, in a few days he died, and escaped the fury of the persecutors, who were resolved to carry him to Edinburgh in a litter. Great was the trouble Mary Gordon of Roberton was put to, after her husband and brother's death, mostly from the instigation of the curate of the place. After Bothwell-bridge she was very hardly dealt with, by frequent quarterings of soldiers, imposing of fines for her nonconformity. At one time the soldiers took two good horses from her; at another time a party of dragoons carried off almost all in the house. They emptied the feather beds, and packed up the rest of the household stuff in them, and carried it off. She had almost nothing valuable left her. In a short time they came again, and carried her, and her only son, John Gordon, a boy, to prison, and two of her servants, who were both banished to America. She and her son, for mere nonconformity, continued some time there, to their considerable loss in person and purse. In the (year) 1685, a company of Highlanders quartered some days in Roberton, destroying every thing. Her tenants were sadly oppressed for the sake of this good family. One of them, John Sprat, was plundered, and fined in twenty pounds for speaking to his own son, who had been at Bothwell. Horses and cows were taken from others of them: but particulars would be endless.

I shall next consider the sufferings of the family of Sundaywell, in the parish of Dunscore. We have already heard how this gentleman, James Kirko, was taken at Edinburgh in the year 1660, with Mr. James Guthrie, and others, and put in prison, where he was kept near four months. He could not escape Middleton's fines, and paid of fine, with riding-money, six hundred pounds; at another time, for nonconformity, he was fined in two hundred pounds. In the year 1666, Sir James Turner exacted from him five hundred merks of church fines, and he paid two hundred pounds for the soldiers quartered on him. In October, by the severities of the soldiers, and their continual spoiling of his house, he was obliged to dismiss his family, and betake himself to a wandering lot. This gave occasion to the persecutors to believe he was at Pentland; but that could never be evinced. However, by the severities after, he was forced to leave the kingdom for three years; and then, to his dying day, he was vexed by the lord Lyon, with a process of forfeiture, in which he was forced to expend a great deal of money: before it ended, he got out of all his troubles, by a comfortable death in the Lord.

James M'Clellan, who succeeded him in what remained of the estate of Sundaywell, had no small share of the hardships of these times. Upon a mere allegance he had been at Pentland, when not yet sixteen years of age, he was forced to flee to the mountains, where he, with some others, lurked from November last, till February 15th this year, when Mr. M'Clellan ventured nearer home to get some clothes and other necessaries, with a design to leave the kingdom. That day he was apprehended by a party of Sir William Bannantyne's men, and brought to their garrison at Earlstoun, and there put into a vault with some other prisoners. Sir William most cruelly tortured him with fiery matches betwixt his fingers, and would force him to tell matters he knew nothing about. After some time, he was carried

prisoner to Glasgow, and from thence to Linlithgow, where general Dalziel, for a fortnight, would not so much as allow the prisoners a little straw to lie upon; from thence to Leith, where he was in great straits for meat; and at length he was brought up to the Canongate tolbooth, where the prisoners had much kindness from the good people in Edinburgh. There he continued till the middle of September, when he was examined by the council; and upon his refusing the declaration, with fifteen others, was banished to the plantations, but happily broke prison, and escaped. When he came to the south again, about five years after this, and was married by Mr. Robert Archbald, minister of the parish, at the instigation of the curates, he was cited before the council for clandestine marriage; where, after much trouble and charges, he got off. Within a little, the parish of Dunscore was fined, for alleged robbery committed on the minister, in five thousand merks, though, by the curate's own acknowledgment, the whole parish was innocent. His share came to six hundred pounds. In the year 1678, for refusing the bond when pressed, he was forced to leave his family for six weeks, and hide. In the month of April that year, an order came for Nithsdale militia to go into Lanarkshire, and oppress honest people there. James refusing to go, or send any in his room, was fined in eighty pounds. Upon the 9th of May, 1679, he was taken out of his house by fifteen dragoons, without any reason given, and carried to the prison of Dumfries, and from thence to Edinburgh, where he continued till the middle of July. For clerks and jailors' fees here, he was two hundred and eight pounds. He met with much trouble in the (year) 1672 for gathering some money for the necessity of some prisoners, and was indicted before the justiciary, and escaped with much charges. At the circuit held at Dumfries by the lord Castlehill, Forret, and others, he was indicted for reset and converse, because two ministers had lodged in his house one night, and was imprisoned, and forced to take the test the 2d of August thereafter; which, in his signed account, from which this is taken, he says, was the saddest day ever he saw, and desires to mourn for this fall all his days. Indeed, he gave sufficient evidence of the sincerity of his repentance. At the next circuit, 1684, he appeared with the rest of the heritors, apprehending no more hazard: but when all were again made to renew that oath, which, he says, had been to him as a fire in his bosom, he retired, and fled home; but was soon apprehended, and with difficulty got off, with giving a bond of five thousand merks, to appear when called. After this, by Stonehouse he was forced, with his wife and infants, to quit his house in the middle of winter, and wandered in mosses and mountains, without any settled abode, until the liberty. By Barscob's forfeiture he lost his whole patrimony, and the donator would never give him a farthing. In the (year) 1685, his house was plundered by the garrison of Dalswinton. But I must leave this good man, from whose attested account of his sufferings we may guess at the severities many others were trysted with. 1667.

James Callane, merchant in Dumfries, was forfeited some time after Pentland, but his being there was never proven; he was indeed present, being dwelling in the town, at the taking of Sir James Turner; but no other guilt was ever made out against him, but mere nonconformity. In the years 1662 and 1663, for refusing to hear the curates, he paid for a year's space, forty pence every Monday for himself and wife. He underwent much trouble, and several imprisonments, for his parliament-fine five hundred merks, and paid the half of it, and fifteen pounds sterling riding-money, and more by far than the other half in expenses, and clerks' fees, to get his discharge. Sir James Turner, before Pentland, exacted considerable sums of money from him. When he was declared rebel, most unjustly, after Pentland, he left the kingdom, and was seven years in the East Indies. At his return, he was taken by Claverhouse, and imprisoned at Dumfries fourteen months, and at Edinburgh a year and a half; after which he was banished to Carolina, where he died. When the accounts of this came home, his wife and daughters at Dumfries

1667. were attacked for nonconformity, and spoiled of any thing they had, and forced to wander up and down in the hills and mountains, for three years and a half.

Robert Lennox of Plumptoun was reduced to great losses and straits before the revolution, as appears by a petition under his hand, now in mine eye. After Pentland, though I cannot find he was there, his estate, worth two thousand merks yearly, with a good house upon it, was taken from him, and he forced to flee to England, where he was for three years in a wandering condition. At length, with his wife and children, he went over to Ireland, and settled at Glenevie, where, the Lord blessing his labours in merchandizing, he came to have a good stock, and was very useful to get a presbyterian minister settled there, where none had ever been. For this he was persecuted by the bishop and his official, and excommunicated, and upwards of four hundred and thirty pounds sterling taken from him, whereby he was reduced to beggary almost. Some relief was got to him by my lord Granade, and some others, and he ventured over to Scotland, and raised a process against the donator of his estate, a papist. When he produced his charter of his lands, it was taken from him, and he cast in prison, where, through bad treatment, he was brought very near death, and got out; and afterwards lived upon charity till the revolution. All this he narrates in his petition, which is all I know about him.

I find another person, Thomas Lennox of Plumptoun, in an attested account of the sufferings of the parish of Borgue, a very considerable sufferer. I cannot learn whether he be any relation of the former, but the particular hardships he was under, before and since Pentland, are in short; Sir James Turner extorted from him two hundred and thirteen pounds; and, being imprisoned a great part of two years, his fees to jailors, &c. cost him two hundred pounds: extorted by Sir William Bannantyne, two hundred sixty-six pounds, thirteen shillings, four pennies, besides loss of his whole crop, and most of his household-plenishing: all this for mere nonconformity, and without any process against him. At one time he was imprisoned at Edinburgh three and thirty weeks, and at another three months, precisely for refusing the test. Thus we have some account of the severities and forfeitures immediately after the defeat at Pentland. The sufferings of several other excellent persons upon this score, will come in in the progress of this history. It is time now to come forward to the account of other occurrences this year, and to the stopping the severities in part by the disbanding the army, bond of peace, and indemnity.

SECT. II.

Of the state of things during the rest of this year, the disbanding the army, bond of peace, and indemnity.

It remains now that I lead the reader in a little to the reasons and method of putting some stop to such heavy persecution. The bishops and their party, who had been the occasion of the raising the oppressing army, use all their interest to continue and keep it up; and here joined them, not only the officers and their friends, but also several others, hoping to share of the spoil of presbyterians in the west and south. Accordingly they endeavour to persuade the king, that all the Whigs and presbyterians are enemies to monarchy, as well as to the church established by law, and therefore must be extirpated. The execution of this, they hope, will be put into the hands of their friends; and all of them expected they might come to reap the harvest of money and estates, they had been greedily looking for since the restoration.

From the letter to the king immediately after the victory at Pentland, the reader will have observed their desire of "a more vigorous application of the king's power for rooting out rebellious principles now leavening the nation." The plain Scots of this, as explained by private letters sent up at the same time, was a desire, that the council might have power put in their hands to press the declaration upon all presbyterians

of estates and riches; and in case of refusal, which they made no doubt of, straight to forfeit them. It was likewise pressed that the army might be continued, and being filled with their good friends, the rest of the nation would have been providitors for them, and tenants at will. At present there was very little difference between the king's secret council and Dalziel's council of war. Duke Hamilton was only rit-master* Hamilton, as the general used to call him, Rothes was rit-master Lesly, Linlithgow was colonel Livingstone, and so of the rest. Dalziel and Drummond were, quickly after the disaster at Pentland, made privy counsellors; and had this project gone down at court, the misery of this nation had been very soon completed, and the eastern Turkish slavery introduced, or that of France, where the nobility and officers of the army are much the same.

The bishops used all their interest, and made as great efforts as they were capable of, to get this project gone into in its full latitude; and lieutenant-general Drummond goes up to court to negotiate this affair. He endeavours to persuade the king, the country was so averse from prelacy, that they could not be kept in quiet, without a good army and military force, and violently pressed the continuance of a standing army, and the harshest methods against the refusers of the declaration. The archbishop of Glasgow went likewise up to London, the primate, as we have heard, not being at present so very acceptable, as once he had been. He was a man of cunning and subtilty enough, and by his setting up so very much upon the lay of the English forms, was in good terms with the violent churchmen and their party, and hoped, by their assistance, to have conformity crammed down people's throats, by the rigorous pressing of the declaration, and a standing army. While this matter is in dependance, a convention of estates meet at Edinburgh, January 23d, and lay on a subsidy for the army, sixty-four thousand pounds a month for a year's time, as may be seen in the printed acts of parliament. When I looked to the act of the convention, I wondered to find so few hard words upon the late and recent rising at Pentland; and am apt to think, this hath not been looked upon as so black and atrocious a crime, as some prelatists and Jacobites have made it since; nor so frightful an attack upon the prerogative, otherwise this loyal convention would have taken more notice of it. It may be further remarked, that in the narrative of the act, it is said, "That the king hitherto had maintained the army upon his own charges," which I know not so well how to reconcile with the express application of the fines, to the payment of the army, above narrated. In short, the convention, in the excess of their loyalty humbly offer to maintain "all the forces the king shall please to raise:" a blank is thus put in his hand, to raise and continue as numerous a standing army, as his arbitrary counsellors should for their own ends advise him to. 1667.

It was happy for the nation, that Lauderdale, who had very much of the king's ear at this time, was of other sentiments. He smelled the design of a great many, who were for a standing army, was to enrich themselves and friends, and gratify the prelates in severities upon presbyterians. Several things concurred to cross this violence projected against them. Bishop Sharp's double-dealing had been lately discovered to the king, and his interest at court was considerably weakened: therefore the archbishop of Glasgow went up to court, and not the primate, as had been in use these years bygone. Chancellor Hyde and his party were fast losing ground in England, and in August this year he resigned his staff; and the interest of our Scots prelates at court, leaned much upon him and his party of highfliers. And perhaps this disappointment was not a little owing to a difference fallen in of late betwixt Lauderdale and several of our great men in Scotland, who had been his friends in his debates with Middleton, yea, had been brought into their posts by his influence. Of this number were duke Hamilton, Rothes, Newburgh, Linlithgow, Dalziel, with the officers of the army; and almost the whole of the prelates

* Master of horse.—*Ed.*

1667. joined them. These made up a separate party from Lauderdale's friends in the council, who were the earls of Argyle, Tweeddale, Kincardine, the lord Cochran, Sir Robert Murray, and some others. Lauderdale's favour with the king made him able with his few friends to make a stand against his enemies, and his interest above produced very considerable changes in Scotland this year. In March I find the earl of Airly and lord Cochran are made counsellors; in June Sir Robert Murray is made justice-clerk; in October the earl of Rothes's commission is declared void, and he is divested of several profits he enjoyed, and made chancellor; the army is disbanded, and an indemnity granted, as we shall hear. These civil changes, save in as far as they had influence upon the sufferings or respite of presbyterians, I leave to be accounted for by others.

After the convention of estates were up, Lauderdale prevailed with the king to send his letter, dated March 12th, to the council, which, though severe enough, was not so agreeable to the projects of such who were concerned in the army; yea, it was a considerable disappointment to the party who opposed Lauderdale, and the forerunner of a greater. The council read it, March 21st. By it they are allowed to put the declaration to all suspect persons, and to incarcerate such as refused it. But they cared not much for bare imprisonments, those produced little money, and it was the estates of the Whigs and their money they had in their eye. The conversion of fanatics by imprisonment, was either despaired of, or little at heart. This letter is of that importance, and had so many consequences, that it must have a place here.

"Charles, &c. We greet you well. The convention of estates of that our ancient kingdom, having liberally and cheerfully contributed to the maintenance of the forces raised, and such as we should think fit to raise at this time, for the defence of the kingdom against any foreign invasion, or intestine rebellion, we have seriously considered of the fittest means for securing the kingdom against invasions from abroad, for rooting out of the late rebellion, preventing the like for the future, and for quieting and preserving the peace of the kingdom and the good of the church, as it is now settled: and for these ends having heard those lately come from Scotland, and considered the advices which we have had out of Scotland, we have resolved to send you these following powers and directions.

"*First*, According to the advice of our privy council, for the better discovery of such as are dangerous, we do empower you to tender the oath of allegiance, and the declaration, which was by our parliament required of all who are or shall be in any place of trust, unto such active and leading persons of the disaffected party, as you shall find just reason to suspect, and secure the persons of all who shall refuse either the one or the other, when so tendered unto them.

"*Secondly*, We do authorize you in our name to emit a proclamation in due form, requiring all, both gentlemen, and heritors, and commons, within these shires where there appears most disaffection (which you are to set down in that proclamation), to bring in, by such a day to be named by you, all arms of what sort soever, and all powder under such pains and penalties as be by you thought fit; and that these arms and powder be forthwith secured in any of our garrisons of Edinburgh Castle, Stirling Castle, or Dumbarton Castle, you always allowing gentlemen to wear their swords.

"*Thirdly*, We do authorize and enjoin you to seize all serviceable horses, in the possession of any disaffected or suspected person of what quality soever; provided always, that such horses be first apprized by honest and indifferent persons, at the sight of the sheriff, or some other person or persons appointed by you for that effect.

"*Fourthly*, We do authorize and require you with all possible diligence, to model a militia of horse and foot in the several shires of that our kingdom, to be ready to join with our forces, as they shall be commanded, for securing the kingdom, as well against intestine commotions as foreign invasions, which you are to model, and offer to us with all possible expedition for our approbation; which being signified, and we having

named persons loyal and well principled, to command them, you may speedily proceed to put the kingdom in a posture of defence.

"*Fifthly*, We do require you with all speed to provide arms and ammunition for the defence of the kingdom; for which purpose we do allow all the remainder of the first year's taxation, and because money may not be presently raised, we do allow—— our commissioner, to allow such rates for advance of the same, as you think necessary.

"*Sixthly*, We do require you to take some effectual course, that every parish secure the persons of their ministers from violence and affronts.

"*Lastly*, For exemplary punishments of the late rebels, for the terrifying of all men from daring to attempt any thing of the like nature hereafter, upon any pretext whatsomever, and for the more effectual rooting out of rebellious principles, we do peremptorily require you without any further delay, to give present order for the criminal pursuit of all heritors, or men of estates, all preachers and military officers who were in the late rebellion, or who assembled themselves without our authority, in order to the rebellion, before the justice-general, to the end they may be tried according to law, and being found guilty, forfeited without any further delay. So expecting a ready obedience, and speedy account from you, we bid you heartily farewell. Given at our court at Whitehall, the 12th day of March 1667, and of our reign the nineteenth year. By his majesty's command.

"LAUDERDALE."

That same day the council "appoint a committee to meet and think upon rules to judge what persons are disaffected, and the fittest means for securing the persons of ministers in every parish." The clerk is ordered to form proclamations, conform to the second and third articles of his majesty's letter. And they ordain a warrant to the advocate to pursue heritors, &c. in terms of the sixth article. At their next meeting, March 22d, they approve the two draughts of the proclamations laid before them, which are published March 25th. The first is, for bringing in of arms from the shires of Ayr, Lanark, Renfrew, and Wigton, and stewartry of Kirkcudbright, against the 1st day of May. I have insert it below.* The order is universal through 1667.

* *Proclamation for bringing in arms, March 25th*, 1667.

Charles by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, messengers, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as the late rebellion and rising in arms in the western shires, is too great an evidence that there are many disaffected persons in these places, who are ready to involve the kingdom again in a bloody and unnatural war; and that we have just reason to suspect that these rebels will be ready to lay hold on this opportunity to rise in arms, when we are necessitate to continue the war with our foreign enemies, and not only to make use of such arms, powder, and ammunition, as they have concealed, or may be transported to them from our enemies; but will seize upon the arms of our well affected subjects, who reside amongst them, and are not able to make resistance, which may endanger the peace of the kingdom, and weaken our forces, necessitating them at one time to oppose foreign invasions and intestine commotions: as likewise, that according to their former wicked practices, they may invade the ministers of the gospel, who are lawfully admitted preachers amongst them, and do violence or injury to their persons, to the great contempt of our authority, and scandal of the reformed religion, as it is now profest. Therefore, we, with advice of the lords of our privy council, command and charge all persons residing within the shires of Lanark, Ayr, Renfrew, Wigton, and the stewartry of Kirkcudbright, betwixt and the first day of May next, to bring in all their arms and ammunition which they have in their possession, of whatsoever sort (allowing gentlemen only to carry swords, and none other), to the head-burghs of the respective shires and stewartry, and deliver the same to the sheriff, his depute, or any having his order: with certification to them, if they fail, they shall be fined by our secret council in the sums of money under-written, viz.:—Ilk gentleman in the sum of two thousand merks, and every other person in the sum of five hundred merks, to be divided, the one half to be paid to our exchequer, and the other half to any person who shall first discover the concealers; and further, shall be proceeded against as seditious persons, and disaffected to our government. Likeas, we ordain the said sheriff, his depute, or any other appointed by him, immediately, upon the delivery of their said arms or ammunition, to carry the same to Stirling or Dumbarton Castles, which shall be next adjacent, there to be kept by the governor thereof. As likewise we command and charge, that all heritors and parishioners, residing in any of the parishes within the said bounds, protect and defend the persons, families, and goods of their respective ministers within their several parishes, from all affronts and injuries to be committed by insolent and disaffected persons to the present government, as well when they are in the exercise of the ministerial function, as residing at their

1667. these shires, and gentlemen are only allowed to wear walking swords. It seems nobody in these western shires were allowed to have the privilege of defending themselves or families from thieves and robbers, they were so deeply leavened with presbyterian principles. One pretext for this unreasonable treatment of subjects, is, "to prevent the invading the ministers of the gospel, who were lawfully admitted preachers of the gospel among them." Parishes are made liable for all the injuries done to legal ministers, not only when in the exercise of their ministerial function, but when in their houses and families: and, accordingly, as we shall have occasion to remark, most iniquitous fines were extorted from parishes, when thieves and robbers came and spoiled the curates' houses; or they themselves, by their incivilities, injustice, unrighteousness, and oppression, had provoked some passionate persons to fright them, which the people of their parish could neither prevent, neither so much as knew of, till the attempt was over. These attempts are charged upon these they now call rebels in the proclamation, most groundlessly: none, I can learn of who were up at Pentland, and indeed no presbyterian, approved these riots. The proclamation likewise seems to insinuate as much, as if those who had been at Pentland, were in concert with the Dutch; which is a very idle and groundless *innuendo*. Indeed this proclamation had no great consequence as to the bringing in of arms; a few were brought together, and, a little while after this, were cast into the sea.

Jointly with this, another proclamation of the same date is emitted, prohibiting all persons who withdraw from ordinances, and keep not their own parish church, to keep horses above a hundred merks value; as may be seen in the paper itself.* This satisfied the prelates somewhat, but did not much fill their churches. Had this act been executed against all neglecters of public ordinances, I am persuaded the king might have had some very good horses from many of the managers, and their friends, and even from some of the bishops themselves, who cared very little for, and as little frequented any assemblies for worship. That same day, they make a return to the king's letter, and acquaint him with what they had done, and are to do, as to every article of his letter. A good part we have seen in those two proclamations; but they give his majesty their opinion as to the ordering the militia, and some other heads, of which the curious reader will perhaps

own houses and dwellings: with certification, that if any injury or affront shall be done to them, in their persons or goods, that the parishioners who shall suffor the same to be done, and not oppose the doing thereof, shall be repute and holden as art and part of the said crimes and violence and be proceeded against by law as guilty thereof, and punished according to the quality of their offence with all rigour. And in case the said injuries shall be done by surprisal, that they follow and pursue the committers thereof, until they apprehend their persons, and present them to our secret council, to be judged by them as they shall order: otherwise we declare that they themselves shall be liable for such reparation, damage, and interest, as the said lords of council shall think fit to determine. And ordains the said sheriffs to cause intimate these presents by public proclamation, at the market-crosses of the head-burghs of the said respective shires and stewartries, and cause read the same at all the parish churches within the said shires and stewartries, upon a Sunday before noon, after divine service, with all diligence; and that these presents be printed, that none pretend ignorance.

* *Proclamation for bringing in horses, March 25th*, 1667.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, messengers, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as it is more than high time, to prevent the rising of disaffected persons, who, during the continuance of the war with our foreign enemies, are ready to break out in open rebellion, and rise in arms against us and our authority, by disabling them from putting themselves in a military posture, and in a condition to make any sudden marches, or attempts upon our well affected subjects, or any part of our standing forces, or to join with these, who are of their own pernicious and disloyal principles, who live at a distance from them. Therefore, we, with advice of the lords of our privy council, command and charge all persons within the shires of Lanark, Ayr, Renfrew, Wigton, and stewartry of Kirkcudbright, of whatsoever quality, who have refused to accept of any public trust, or have deserted the same, being in place; as also, all those who withdraw from public ordinances, and do not keep their own parish churches, or do not submit to the present government of church and state; as likewise all those who being warned to rise, and join with our forces, for suppressing the late rebellion, did not give obedience, unless the

desire to be informed of, and therefore it is subjoined.*

I do not find a sederunt of council from March 22d, till June 6th. The reason of which I do not pretend to give; they use not to have so long intervals. That day a letter is read from the king, dated May 4th, "That whereas nothing can be useful for our service, or more conducible for reclaiming the people from these treasonable and fanatic principles, wherewith they have been poisoned by factious preachers, than the encouraging the sober and orthodox clergy, against whom the greatest rage appeared in the late rebellion. And whereas we are resolved not only to encourage and protect the bishops in the exercise of their callings, and all the ortho- 1667.

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said persons will take the oath of allegiance, and subscribe the declaration appointed by the late act of parliament, that after the fifteenth day of May next, they, by themselves, nor no persons to their use and behoof, do not keep any serviceable horses, above the rate of one hundred merks Scots; under any pretext whatsoever: with certification, if they fail, that upon information of any person well affected, the sheriff, or any two of the justices of peace within the shire, shall cause value such horses, and finding them above the rate foresaid, shall cause deliver them to the informer, and that without any payment or satisfaction to be made therefore. And requires all sheriffs and justices of peace, within their respective bounds, to issue orders, for convening the contraveners of this act before them, and causing apprize any such horses, by indifferent persons, that it may be known, if they be above the rate foresaid. And, in case that the persons who compear, shall offer to purge themselves of any suspicion of disaffection to our government, upon the accounts foresaid, that they administer to them the oath of allegiance, and offer the declaration to be subscribed by them, which being taken, and subscribed by them, as said is, then we enjoin them to dismiss the said persons with their horses, to be kept by them, without any further trouble or molestation, otherwise, that they proceed as said is. And ordains the sheriffs of the said shires, to cause intimate these presents by public proclamation, at the market-crosses of the head burghs of the said respective shires and stewartries, and cause read the same at all the parish churches of the said bounds, upon a Sunday before noon, after divine service, with all diligence, and that these presents be printed, that none pretend, ignorance.

* *Council's letter to the king, March 25th, 1667.*

Most sacred sovereign,—In obedience to your majesty's letter of the 12th of this instant, we have seriously gone about the performance of these particulars recommended to us, with that diligence and faithfulness which is suitable to your majesty's tender care of this your ancient kingdom, and your royal wisdom, in providing timously for such means as may secure your royal subjects from the dangers that are threatened from your enemies abroad, and the disaffected party amongst ourselves, whose rebellious prineiples may have led them, in this juncture of affairs, to desperate and new undertakings; and, after full deliberation, have resolved on the following orders, whereof we found ourselves bound in duty to give your majesty an account. As to the first, concerning the tender of the oath of allegiance and declaration, to active and leading persons of the disaffected party, we are resolved to go about the same with all diligence, and hope in a short time to give your majesty a full account thereof. As to the second and sixth articles, which relate only to some western shires, we have issued a proclamation in your majesty's name, for calling in all arms and ammunition, and securing from violence the persons of ministers in those places, whereof printed copies are herewith transmitted to your majesty. As to the third, for seizing all serviceable horses belonging to disaffected or suspected persons, we have agreed upon some characters whereby such persons may be known, and accordingly have emitted a proclamation; but because it is not clear to us that your majesty did intend that this shall be put in execution over all the kingdom, we have restricted it only to some western shires, until we know your majesty's further pleasure. As to the fourth, we having considered the late act of parliament, whereby the estates did tender to your majesty twenty thousand foot, and two thousand horse, to be levied out of all the shires and boroughs of the kingdom, according to the proportions therein set down, and humbly conceive at this time your majesty may nominate officers for the several divisions, as the said act bears; yet because there will be great difficulty to get arms, and a burden to the subjects to provide for the whole number, that it may prove more effectual for your majesty's service, that the half of that number may always be in readiness to be trained in their several divisions, for to march to any place they shall be appointed: it is our humble opinion, that your majesty may order only the half to be always in readiness, when they shall be called to these duties, and the rest if necessity require; and seeing the western shires, who are to be disarmed, and their horses taken from them, cannot be ordered to have their militia in readiness, they must be excepted out of that order, and no officers are to be commissionate by your majesty as to these bounds; yet it is offered to us by duke Hamilton, that as many horsemen may be got out of Lanarkshire as their proportion will amount to, who will take the oath of allegiance and declaration, upon which account we humbly may name officers of horse as to that shire. As to the fifth, anent providing of arms and ammunition, we have recommended the performance thereof to the lord commissioner his grace, who (we are confident) will effectually go about the same. As to the last, orders are given to your majesty's advocate to intent processes against all such persons as are named in that article, before the justice-general, that the sentence of forfeiture may be given against them without delay: so praying God to bless your majesty and all your undertakings, we remain your majesty's most faithful and obedient subjects and servants. Subscribed *ut sederunt.*

1667. dox clergy under them, but also to discountenance all of what quality soever, who shall show any disrespect or disaffection to that order and government: therefore we do more especially and earnestly recommend it to you, who are trusted under us with the government of that our ancient kingdom, to give all manner of countenance and encouragement to the orthodox clergy, and to punish severely any affronts or disrespect put upon them; to the end that they may be the more endeared to their people, when they see how careful we, and all in our authority under us, are of their protection in the due exercise of their calling." Indeed when many of the orthodox clergy, as their name now is, took no care to conciliate respect to themselves by their doctrine and a proper ministerial carriage, but, by their violent persecuting temper, drew down the hatred of their people, there was no other way left to support them, but the secular arm that had made the bishops, and forced in this clergy upon Scotland. I have heard nothing of any rage, or particular injuries done to the episcopal ministers, by the people who were in arms lately; but somewhat of the nature of this letter was necessary at this time, when it was found proper to take a different course from what the prelates inclined to. According to this letter, and indeed beyond the expressions in it, a proclamation is emitted next council day, June 13th, making heritors and parishioners liable for all the damages done to ministers, and that in the strongest terms: and we shall afterwards find it rigorously enough put in execution. Since I have not seen it in print, I have insert it below,* and it needs no remarks; some upon the matter may fall in afterwards.

That same day, another letter from the king to the council is read, pressing, in warm terms, the forfeiting of such who had been concerned in the rising, and escaped from

* *Proclamation about ministers, June 13th, 1667.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, messengers, our sheriffs, in that part conjunctly and severally specially constitute, greeting: Forasmuch as, we, by divers acts of parliament and proclamations, have expressed and declared our royal care and resolution to protect the orthodox and well affected clergy and ministers; and to that effect and purpose a proclamation was issued by us, upon the 5th of March last, commanding all heritors and parishioners within the western shires there mentioned, to protect and defend the persons, families, and goods of their respective ministers, within the several parishes, from all affronts and injuries to be committed by insolent and disaffected persons to the present government, in manner, with, and under the certifications and pains therein contained: and nevertheless, the malice and rage of such persons is so implacable against loyal ministers, upon no other account, but that they are faithful and obedient to our laws and authority, that of late, since the said proclamation, divers outrages have been committed within the said western and other shires, by invading and wounding the persons of several ministers, assaulting them in their houses, and plundering and robbing their goods, to the great scandal of religion, contempt of our authority, and discouragement of the preachers of the gospel; and it is a great encouragement to such sacrilegious and wicked persons, that within the parishes where such insolencies are committed and done to ministers, there are not wanting persons of the same temper and principles, who do secretly favour and encourage and comply with them; and they do presume that the actors withdrawing, the parishioners will not be questioned, and that they will not think themselves concerned to repair the wrongs done to the ministers. Therefore we, with advice of the lords of our privy council, command and charge all heritors, liferenters, and others having any real interest or rent within the several parishes of the kingdom, whether they reside within the same or not, their bailies, chamberlains, and others having trust under them, and all other parishioners, to protect, defend, and secure the persons, families, and goods of their ministers, not only in the exercise of their ministerial function, but in their dwelling-houses, or being elsewhere within the parish, from all injuries, affronts, and prejudices, which they may incur in their persons and goods, from the violence and invasion of any disaffected or fanatic person; and that upon the notice of any attempt of such, they immediately repair to any place where they shall hear such injuries are offered, and seize upon the persons of the committers; and in case they flee out of the said bounds, that they give notice to the sheriff, or any garrison, or forces that shall be nearest to these places, that they may pursue them till they be apprehended and brought to trial: with certification, that if any such outrages shall be committed, the actors and all persons who shall have any accession to the same, and shall aid and assist, or any way comply with, or shall willingly reset or conceal the delinquents, shall be proceeded against, and punished with all severity, as equally guilty with the invaders. And further, if they be not apprehended and brought to trial, by the means and diligence of the parishioners, letters shall be directed at the instance of our advocate, to cite the parishioners to compear before the lords of our privy council, at the least to send three or four of their number, specially authorized for

it; the issue of which was the justiciary court, held August 15th, as we have seen in the former section. The king there makes an *innuendo*, That some of his judges were too favourable to that party; with some other particulars, which the reader will best see in the proclamation itself, which I have annexed in a note.* The occasion of it was the clamour of the bishops, and an alleged attempt made upon Mr. Patrick Swinton, curate of Borgue, in Galloway, who was indeed very active in the persecution of that country. I own any irregular attempt, even under provocation, is a fault; and I will not in the least offer to vindicate it in any whosomever.

The project being now formed above, and things thus disposed for slackening severities against the presbyterians, and dismissing the army, Sir Robert Murray came down from court, to get a true account of the state of the country, and the carriage of the army. He was a very learned and ingenious gentleman, a great ornament of his country, a diligent promoter of every branch of useful knowledge, and moderate in his temper. Indeed, true and useful learning makes all who have it, heartily against persecution for conscience' sake, and friendly to the liberties of their country. The primate's contradictory accounts, and the great inter- 1667.

that effect, to hear and see the parishioners, decerned to pay the minister for reparation, damage, and interest, such a sum and fine as our council shall be pleased to determine specially, consideration being always had of well affected heritors and parishioners, who constantly attend the public ordinances, and as they are required by the ministers, concur with them in the exercise of church discipline, who are to be tried to be such by the justices of peace, or their judge ordinary, and a citation of the parishioners in general, at the market-cross of the shire, being intimate at the parish church upon a Sunday before noon, after divine service, we declare to be sufficient: and the said sum modified, shall be divided amongst the heritors and liferenters, and others, according to their respective valuations, and is to be advanced and paid by them to the sheriffs, stewards, or bailies of regalities and bailiaries, who are hereby ordained by themselves or deputes, to uplift the same for the use of the minister, and to use all lawful execution for that effect, and for relief of the said heritors, liferenters, and others foresaid, their several tenants are hereby ordained to pay the third part of the several proportions payable to their masters; and where any person has more tenants than the third part payable for relief of their master, is to be divided and proportioned betwixt their tenants proportionally, and according to the duty they pay respective; and if any question arise thereanent, either amongst the tenants themselves, or the tenants and their masters, the same to be determined by the justice of peace, sheriff of the shire, or other judges ordinary, in whose jurisdiction they reside, in the option of the complainers. And ordains these presents to be printed, and published at the market-crosses of the head burghs of this kingdom, and read at all parish churches upon a Sunday before noon, after divine service, that none pretend ignorance.

* *King's letter to the council about forfeitures, May 4th.*

CHARLES R.

Right trusty, &c. We greet you well. We did by our despatch, which our major-general carried, amongst other things, require you to cause proceed in a process of forfeiture, against those heritors, gentlemen, and ministers, who were in actual arms in the late rebellion, or who gathered together without our authority, in order to join with the rebels. We expect you will be careful to hasten that process, and give us an account of it. And whereas we are informed, that divers of the rebels do lurk or wander in the country, we do now further require you to issue a proclamation in our name, by which all the rest of the rebels who are not yet taken may be cited by name, to appear at a certain day to be named by you, to the end they may be proceeded against according to law, and that such as do not appear may be criminally outlawed and declared fugitives; and that all who shall afterwards reset, conceal, or keep any manner of correspondence with any of them, may be punished according to law. This you are to do in the ordinary form, with all clauses necessary. And whereas we have been several times informed, that both in the commission for church affairs, and at our council-board, those who have been cited for conventicles, and other crimes contrary to law, nay, even divers of the rebels have been pleaded for, and countenanced, even in these our judicatories, and to this day we could never hear any body named or condescended upon; therefore we do positively command you our commissioner, when by any person in authority under us any obstruction is given to our service, any forslowing our commands, by countenancing or pleading for forfeiters, conventicle-keepers, or disobedient persons to ecclesiastical government, who shall be brought before any of these judicatories, that you our commissioner give us particular information of the names of such persons who are in any trust under us, to the end we may take such courses therewith, as may thereafter prevent such practices. And because it will be necessary for our service, that a constant correspondence be kept betwixt you and our lieutenant of Ireland, you shall settle a way of correspondence through that part of Scotland, as we will order our lieutenant to do the like in the Irish side; and so we bid you heartily farewell. Given at our court at Whitehall, the fourth day of May, and of our reign the nineteenth year.—By his majesty's command,

LAUDERDALE.

1667. est these concerned in the army, had in the Scots council, all the counsellors almost being under pay, made the king very justly suspect the informations he got from Scotland. In June, I find Sir Robert admitted to the office of justice-clerk. —While Sir Robert is in Scotland, all the efforts possible were made by the prelates and the army to force some evidences of the necessity of the continuing the forces now in pay. One day, letters come in to Edinburgh, signifying that the Whigs were in arms again. Indeed another Pentland would not have been unwelcome to some now. At another time, the accounts came in of attacks upon the legal ministers' houses. I find it believed by people who understood the circumstances of those attempts, that some of the army did personate the Whigs, and plundered, and rifled, or at least threatened some of the curates' houses; but having seen no particular proofs of this fact, I cannot assert it. However, those attempts were made a strong argument for the keeping up of the army; yea, Sir William Bannantyne was sent into Galloway a second time, to exact the bonds he had taken from a great many there, which yet were not payable till Martinmas, in hope that the poor people might be prevailed with to resist such palpable injustice; and great was the struggle at the council-board to preserve the army, the chief hope and support of the bishops.

Till once the peace with Holland was concluded, it was not found proper to disband the forces: but meanwhile, I find, in July, many prisoners, upon the account of Pentland, are set at liberty, upon their signing the declaration; and some favours are granted, but awkwardly enough, to some presbyterian gentlemen confined and imprisoned. William Lawrie, tutor of Blackwood, is allowed to come out of the Castle of Edinburgh, and to have the liberty of the town, about his affairs. James Hamilton of Aikenhead (at the writing of this, 1715, lately dead) applies the council, showing, "he had been confined to the town of Inverness, and liberties thereof, for ten months; and, after the payment of a good part of his fine, was confined to his own house, and a mile about it, where he had lived peaceably; and all this for mere nonconformity, as we have heard; craving he might be permitted to come to Edinburgh about necessary affairs." The council grants him liberty, upon giving bond, under the penalty of ten thousand merks, to return to his confinement betwixt and the first of August next.

That same day, July 11th, the council have before them a report of a committee they had appointed for considering the case of the prisoners after Pentland, and come to the following issue as to this matter.

"The lords of his majesty's privy council, having considered the report of their committee for examining the prisoners in the tolbooths of Edinburgh and Canongate, upon the account of their accession to the late rebellion; bearing, that they have examined the said prisoners, and thereafter considered their own confessions, do find all of them to come under one of these four classes. 1. Some that are risen in arms, and are, by their own confession, clearly guilty of rebellion, and refuse the allegiance and declaration. 2. These who are so guilty, and are content to take the allegiance and declaration. 3. These who have been taken upon suspicion, that they have had some accession, by resetting, abetting, or otherwise complying, and nevertheless deny they had any accession, and against whom as yet there is no evidence or probation of guilt, who refuse to take the declaration. 4. These who are in the condition above written, and are content to take the declaration: in which several classes the committee have placed the several prisoners, conform to the lists thereof, given in. The said lords having considered the said report, with his majesty's letter, giving order for sending such of the said prisoners as were guilty, to the plantations, do ordain the persons contained in the first class, who are clearly guilty of rebellion, to be sent to Barbadoes with the first opportunity; and ordain a letter to be written to the secretary, to endeavour to procure his majesty's pardon and favour for the two prisoners in the second class: ordain these in the third class to continue in prison; and recommend to the former committee to examine how and by whom they were imprisoned, and to call

these who did imprison them, to give evidence against them; and ordain these in the fourth class to be set at liberty forth of prison, they taking the oath of allegiance and declaration; and such of them as are able, finding caution to appear when they shall be called, and to keep his majesty's peace in the meantime; and such of them as are not able, enacting themselves to that effect, under the penalties contained in the laws and acts of parliament."—By the registers of August 1st, I find that Lauderdale received this opinion of the council; and acquaints them, as the king's will, that as to Simpson and Rome of Beech, the two spoken of, the king remits them to the council, and approves of what they had done, and leaves it to the council to determine of all the commons that were in rebellion, as they shall think best for his service, and the quiet of the nation; reserving the landed men, and such as are under process for treason, to the due course of the law. As to his power, as to the commons, is afterwards explained, upon the council's desire, of all the commons at Pentland, whether in prison or not.

At length a letter from the king, dated August 13th, comes down, peremptorily ordering the disbanding the army; see note.* The peace with France, Holland, and Denmark, had been concluded in the end of July. The nation could not much longer bear an army, at least acting as they did, without ruin. A captain's place was now as profitable as a good estate; and no redress could be got of the cruelties and injustice committed by them, the privy council being mostly made up of the army. By this the presbyterians had a considerable breathing, when, upon the event of a peace abroad, they expected the utmost rigour, and the bishops resolved it. The forfeitures we have heard passed this month, balanced the dissolution of the army, to the two chief officers, Dalziel and Drummond, and the rest behoved to be satisfied. I am told the archbishop of Glasgow was extremely chagrined at this step, and said, "Now that the army was disbanded, the gospel would go out of his diocese." The king's letter is very peremptory, and the army is paid and disbanded, except two troops of horse, and Linlithgow's foot guards. Now, for a season, matters are managed by the more moderate part of the council, Tweeddale, Sir Robert Murray, and others, under the direction of Lauderdale. 1667.

When the army is removed, the next question in council is, How the country shall be kept in peace without the army? Here the two different parties in council acted their different parts, according to their differing views and designs. The bishops and their party, who had managed all here for some time, were violently for pressing the declaration upon all suspected persons, and no doubt quoted the king's letter of March last, allowing this. Forfeitures and spoil were now a little out of their present hopes, but still that party continued to press the harshest measures they had any prospect of accomplishing, expecting such measures might at length irritate the country, and open a new door for violence and force. In this their good friends concerned in the army heartily joined them. The moderate party, Tweeddale, Kincardine, Cochran, and

* *King's letter to council, August 23d, 1667.*

CHARLES R.

Right trusty, &c. We greet you well. The great care we had of the honour and safety of that our ancient kingdom, obliged us to raise both horses and foot, in a proportion much above what that kingdom could long bear; and now when God hath blessed us with so fair a prospect of peace, that same care obliges us to ease the country of so heavy a burden, as soon as is possible: therefore we have thought fit and necessary to acquaint you with our resolution to disband all the horse (excepting the two troops of the guards commanded by you, our commissioner, and the earl of Newburgh), as also the greatest part of the foot. We shall together with the orders for publishing the peace, send particular orders for disbanding all *the troops, and as many of the foot* as we shall think fit: in the mean time, we have given command to our commissioner of our treasury, to use all possible endeavours for raising money to pay these troops and company so to be disbanded: and we do require you of our privy council, to be assistant with your utmost concurrences, in what shall be desired by the commissioners of our treasury for that effect: so expecting your obedience in so necessary a work, we bid you heartily farewell. Given at our court at Whitehall, the 23d day of August, 1667, and of our reign the 19th year.—By his majesty's command, LAUDERDALE.

1667. Sir Robert Murray, who now had the treasury in commission, with such as joined them, proposed a bond of peace to be taken and subscribed by all to whom it should be tendered; and alleged this would either be taken, and so the end proposed was gained; or be refused, and then the refusers, which they imagined would be very few, would be exposed, and every body would observe their unaccountableness, in standing out against so reasonable and easy a demand. After abundance of warm reasoning anent the two expedients, the council came to state the vote, which of them should be gone into, the declaration, or bond of peace. When the rolls were called, Sir Peter Wedderburn clerk to the council affirmed, the first expedient carried. Sir Robert Murray contradicted him, and the rolls were again called, and the clerk affirmed a second time the declaration carried. Sir Robert a second time contradicted him. Great heat arose, and the chancellor blamed Sir Robert for questioning the clerk's fidelity. He answered, he would credit his own senses more than any clerk in the world. And the rolls being called, and the votes distinctly and narrowly marked, it was found the bond of peace was voted to be the expedient, by the plurality.

This council-day, September 13th, the members were fully convened: both sides had mustered their forces, and there were present, "earl of Rothes the king's commissioner, archbishops of St Andrews and Glasgow, duke Hamilton, marquis of Montrose, earls of Kelly, Weems, Airlie, Callendar, Annandale, Tweeddale, Kincardine, and Dundee,* lords Drumlanerk, Sinclair, Cochran, Bellenden, general Dalziel, lieutenant-general Drummond, Sir John Gilmour lord president of the session, Sir Archibald Primrose lord register, Sir John Nisbet lord advocate, the lord justice-clerk, Sir Robert Murray, Sir James Lockhart of Lee, the lairds of Haltoun and Niddry." The council, after their debates are over, offer some propositions to the king, for the peace of the country when the army is disbanded, that after examination he may signify his pleasure thereanent; and they are as follow: "1st, That a proclamation be issued, bearing a general pardon and indemnity to all, that were in the late rebellion, except these that are forfeited, or under the process of forfeiture; as also all such, as since the late rebellion, have done violence to the persons of ministers, invaded their houses, or robbed and taken away their goods, the said persons indemnified always coming in to such as the council shall appoint, betwixt and a blank day, and giving bond, and sufficient surety for the peace, or otherwise give their own bond and their oath, that they are not able to find caution, at the sight of these who shall be appointed by the council.—2dly, That such noblemen and gentlemen, heritors and feuars, who shall subscribe bonds for blank sums of money, for themselves, and their respective tenants and servants to keep the peace; the said noblemen and gentlemen, heritors and feuar, for their relief and security, shall have power and warrant to take bonds from their tenants and servants for blank sums of money, not to rise in arms against, or without the king's authority; and not to buy any arms, or keep horses above the value of threescore pounds Scots; with power to disarm their tenants, and if they refuse to give bonds, as said is, in that case, if they have no tacks nor rentals, that they remove them from their possessions; and if they have standing tacks or rentals for years yet to run, that they raise letters, and charge them for that effect under the signet of the privy council, for which these shall be a sufficient warrant to the clerk thereof to grant the same, and shall cause denounce them rebels, and put them to the horn; whereupon it is declared, that their masters shall have the gift of their single, or liferent escheat *gratis*, in so far as may be extended to the rooms and possessions belonging to their masters.—3dly, That a militia be set-

* This was John, third and last earl of Dundee. He died in the summer of the following year without issue, and the earl of Lauderdale obtained a grant of his estate from the crown for his brother Hatton. In 1684, Dudhope, the family seat, was bestowed, as a reward for his butcheries, upon John Graham, better known in Scotland by the name of bloody Clavers; who, in 1668 was created viscount of Dundee, and in the following year fell in the battle of Killicranky. Scots Peerage, vol. i. pp. 446, 469.—*Ed.*

tled, in that way that his majesty shall be pleased to appoint.—4thly, That the king's royal pleasure may be known, as to all noblemen, gentlemen, heritors, and feuars, who shall enter in bond for themselves, or their tenants and servants to keep the peace, and, if they need, to be pressed with the taking of the declaration.—5thly, That an express order be sent for taking off the proclamation of the 25th of March last for bringing in of horses and arms, as to all such as have taken the oath of allegiance and declaration, or have carried arms for his majesty's authority against those in the late rebellion."—Upon the 8th of October, the king's letter in answer to their proposals, comes to be read, with a proclamation of pardon and indemnity, dated October 1st. This I have insert here from the register, as follows:—

"Charles, &c. Whereas you, having considered of the best and most effectual ways, for securing of the peace of that our kingdom, did, upon the 13th of September last, offer to us five proposals, that after examination thereof, we might signify our royal pleasure and commands concerning them. We have considered the said proposals, and have thought fit to return you this our answer, that we approve of the first proposal; and in pursuance thereof, we send you this enclosed proclamation, which we require you to publish in the ordinary way. We do also approve the second proposal, and require you speedily to give order for these bonds from the noblemen, gentlemen, heritors, feuars, for themselves, and their respective tenants and servants to keep the peace, and for their relief as is expressed in that proposal. As to the third proposal, we shall give orders speedily for settling a militia in that our ancient kingdom. In answer to the fourth proposal, it is our royal pleasure, as to the noblemen, gentlemen, heritors, and feuars, who shall enter in bonds for themselves, tenants and servants, to keep the peace, according to the second proposal, that they be not pressed with taking the declaration, enjoined by the act of parliament for persons of public trust. And lastly, in pursuance of your fifth proposal, we do authorize you to take off the proclamation, dated the 25th of March last, in relation to all such as have already taken the oath of allegiance and declaration, or who have carried arms for our authority against those in the late rebellion. These, we hope, shall prove effectual means for securing the peace. Yet, lest there should be any so malicious as not to accept of this our gracious pardon, and for the more effectual executing of what is proposed, we do require you to advise of the most convenient quarters for the horse and foot yet standing, to the end they may speedily march thither, and carefully observe such orders as you shall appoint. We do again repeat what we seriously recommended by our last letter from Whitehall, concerning countenancing our archbishops and bishops, and all the orthodox clergy. And as we have here signified our pleasure about your proposals for the quiet of the kingdom; so we are no less solicitous for the peace and quiet of the church, recommending to you, that all prudent and effectual course may be pursued for the peace and quiet of the church, for obedience to the good laws made thereanent, and for punishing the contemners and disobeyers of the same. And so we bid you heartily farewell. Given at our court at Whitehall, the first day of October, 1667, and of our reign the nineteenth year. By his majesty's command. 1667.

"LAUDERDALE."

I find by the registers, that there hath been heat among the counsellors upon receiving of this letter, and the council do not, as hitherto they never failed since the restoration, order immediate publication of the king's proclamation, but appoint a committee to consider the letter and proclamation. To-morrow, October 9th, the council order some alterations to be made in the names of the excepted persons, in the proclamation of indemnity. They find there is no such person as —— Row chaplain to Scotstarbet. They order Caldwell and Kersland to be designed younger, Mr Trail to be designed chaplain to Scotstarbet, and Paton they order to be designed late preacher, and Row's name to be scored out;

1667. and then appoint the proclamation to be printed. I have subjoined it.*

This pardon and indemnity had this remark made upon it by some, when it came out, that in the beginning it pardoned all, in the middle very few, and in the close none at all. After the amendments made upon this proclamation, which are censures on their own rashness and inconsiderateness on their former acts, among the excepted some still remain dead, and others of them who were not at Pentland, as hath been remarked. In short, the reader will notice, that the same lists almost are in the proclamation discharging barbour, the advocate's commission for processing by forfeiture, and these exceptions in the pardon. The exceptions are very large, about sixty in number, and include the persons of any consideration almost, which they got notice of. These, with about forty executed, and a hundred killed, and a good many who died of their wounds, do make up near a third part of the people who had been actually in the engagement at Pentland; and the rest were such whose names they had not come to the knowledge of, and generally mean country people, whom they needed scarce notice. So the king's mercy in this indemnity does not extend itself very far. The exception of robbing ministers' houses, is cast in to throw an odium upon all engaged in that appearance. It hath been already noticed, that at this time it was alleged, some of the army, under the mask of these honest people, had been put upon this work; but I can find no presbyterians engaged in those attacks. The last and greatest clog put upon the indemnity is, the bond of peace, with a clause of nonresistance in it, which

* *King's pardon and indemnity to those in the rebellion, October, 1st,* 1667.

Charles, by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith; to all and sundry our lieges and subjects whom these presents do, or may concern, greeting: Forasmuch as it hath been always our greatest care, that our good subjects may live in peace and happiness under our government, so we have, for that purpose, been more desirous to make use of our mercy, to induce them to a dutiful submission to our laws, than to take special notice of any disorders committed by them, as the acts of indemnity and grace lately granted by us will witness. And the same tenderness towards them still possessing us, in order to those who have been seduced and misled in the late rebellion and insurrection that appeared in some of the western shires, in the month of November last, we are resolved that our mercy to them shall far exceed our justice: and therefore, out of our special grace and favour, we do by these presents grant our full and free pardon and indemnity to all persons who were engaged in the said rebellion, or who had accession thereto, from all pain or punishment which by the law they are liable to for the said rebellion, and for all deeds done by them in the same, or in relation thereto: excepting always from this pardon, the persons and fortunes of Colonel James Wallace, major Learmont, —— Maxwell of Monrief younger, —— M'Lellan of Barscob, —— Gordon of Parbreck, —— M'Lellan of Balmaghechan, —— Cannon of Burnshalloch younger, —— Cannon of Barley, younger, —— Cannon of Mordrogget younger, —— Welsh of Scar, —— Welsh of Cornley, —— Gordon of Garrery in Keils, Robert Chalmers brother to Gadgirth, Henry Grier in Balmaclellan, David Stot in Irongray, John Gordon in Midtoun of Dalry, William Gordon there, John M'Naught there, Robert and Gilbert Cannons there, —— Gordon of Bar, elder, in Kilpatrick-durham, Patrick M'Naught in Cumnock, John M'Naught his son, —— Gordon of Holm younger, —— Dempster of Carridow, —— —— of Dargoner, —— of Sundiwall, —— Ramsay in the Mains of Arnistoun, John Hutchison in Newbottle, Patrick Liston in Calder, William Liston his son, James Wilkie in the Mains of Cliftonhall, the laird of Caldwell, the good-man of Caldwell, younger, the laird of Kersland younger, the laird of Bedland-Cuningham, —— Porterfield of Quarrelton, Alexander Porterfield his brother, —— Lockhart of Wicketshaw, Mr —— Trail, son to Mr Robert Trail, sometime chaplain to Scotstarbet, David Poe in Pokelly, Mr Gabriel Semple, John Semple, Mr John Guthrie, Mr John Welsh, Mr Samuel Arnot, Mr James Smith, Mr Alexander Pedden, Mr —— Orr, Mr William Veitch, Mr —— Paton preacher, Mr —— Crookshanks, Mr Gabriel Maxwell, Mr John Carstairs, Mr James Mitchell, Mr William Forsyth, and of all others who are forfeited, and who are under process of forfeiture: as also excepting all such who, since the late rebellion, have been accessory to the robbing of ministers' houses, and committing violences upon the persons of ministers, and who shall be processed for the same, and found guilty thereof, betwixt and the first day of December next ensuing; but with this express condition always, that this pardon shall only extend to such who, betwixt and the first day of January next, shall make their appearance before such as are authorized for that effect, and shall give bond and security for keeping the public peace of our kingdom; and that such of them as shall give their oath that they cannot find security and caution, give their own bond for that purpose. And this our royal favour and grace, we appoint to be published at the market-cross of Edinburgh, and other royal burghs of these shires. Given at our court at Whitehall, the first day of October, one thousand six hundred and sixty-seven, and of our reign the nineteenth year.

rendered it almost useless to any who had been at Pentland; and very few of them, as far as I hear of, took it. However, this pardon, such as it was, tended to the quiet of the country, and joined with the disbanding of the army, which was by far the more merciful and gracious act, gave a little breathing to the presbyterians in the west and south. Jointly with this indemnity the council publish their act of the same date, containing the names of the persons appointed by them in the different shires, to take subscriptions from such as claimed benefit by this indemnity, and annex the copy of the bonds, with caution and without it, required of them; which the reader will find below,* and order all the prisoners at Edinburgh, to be dismissed upon signing the bond. 1667.

That same day, the council agree upon the bond of peace to be signed by noblemen, gentlemen, heritors, and feuars, for themselves, tenants, and servants, and make an act thereanent, which I have insert be-

* *Council's act anent the indemnity, with the bond of peace, October 9th*, 1667.

The lords of his majesty's privy council, in pursuance of his majesty's gracious pleasure, contained in his royal proclamation above-mentioned, do give power, warrant, and commission to the persons following, within the several bounds and jurisdictions under-written, viz.:— to the lord Lee, the lairds of Raploch, Corhouse, Cambusnethan, Sir John Whiteford and Mr John Hamilton of Raith, sheriff-depute for the sheriffdom of Lanark, the master of Cochran, Sir John Cochran, the Lord Stair, Sir Thomas Wallace of Craigie, Mr John Cunningham advocate, Mr James Cunningham sheriff-depute of Ayr, Mr Hugh Montgomery sheriff-depute of Renfrew, and William Cunningham late provost of Ayr, for the sheriffdoms of Ayr and Renfrew; the master of Herries, the sheriff of Galloway, the laird of Baldoon, —— Maxwell of Munshes, and —— Maxwell of Woodhead, for the sheriffdom of Wigton and stewartry of Kirkcudbright; James Crichton of St Leonard's, the lairds of Craigdarroch and Wester-raw —— Douglas of Mousehill, and —— Carruthers of Howmains, for the sheriffdom of Dumfries, and stewartry of Annandale, or any two of them for ilk shire and stewartry above specified, and to the lords of session, or any two of them, for all the other bounds and shires of the kingdom, to meet and convene at the head burghs of the respective shires and stewartries, and the lords of session to meet at Edinburgh, upon the twenty-second and twenty-ninth of October instant, and the first and last Tuesdays of both the months of November and December thereafter, and there to receive bonds for keeping of the peace, from all such persons as have been accessory to the late insurrection, and are now to have the benefit of his majesty's pardon, in manner contained in his majesty's proclamation, that is to say, bond and caution from all such as are able to find caution, and that under such pains as the said commissioners, or respective quorums thereof, shall appoint: and for such as shall make faith, that they are not able to find caution, that they accept from them their own bonds, conform to the tenor of the bond hereunto subjoined: and upon the said persons subscribing of the said bonds, that the said commissioners give a testificate under their hands, bearing that they have signed the same, and are thereby to have the benefit of his majesty's pardon, contained in the foresaid proclamation: and ordain all such bonds as shall be subscribed by the said persons to be returned by the said commissioners to the clerk of his majesty's council, that they may be insert and registrate in the books thereof, betwixt and the fifteenth day of January next. And ordain these presents, with the said proclamation and bonds under-written, to be printed, and published by macers or messengers of arms, at the market-cross of Edinburgh, and at the market-crosses of Lanark, Ayr, Renfrew, Wigton, stewartry of Kirkcudbright, Dumfries, and other places needful, that none pretend ignorance.

PET. WEDDERBURN, *cl. secr. concilii.*

Follows the tenor of the bond to be subscribed by such of the rebels as are able to find caution.

I, A. B. bind and oblige me that I shall keep the public peace, and that I shall not rise in arms against, or without his majesty's authority, under all highest pains that may follow, in case I shall do any thing in the contrary: and for further surety, C. D. doth bind and oblige himself as cautioner for me, for my keeping of the peace, and performance of the obligement foresaid, under the pain of to be paid in case I contravene the same. Likeas, in the case foresaid, the said C. D. my cautioner, binds and obliges him, his heirs and successors, to pay the foresaid sum to the commissioners of his majesty's treasury, treasurer, or treasurer-depute, that shall happen to be for the time, for his majesty's use. And I the said A. B. bind and oblige me, my heirs and successors, to relieve my cautioner of the premises, and of all damage he shall happen to sustain therethrough, in any sort: consenting these presents be registrate in the books of privy-council, that all execution necessary may pass hereupon, in form as effeirs: and constitute our procurators. In witness whereof, written by me we have subscribed these presents, at

Follows the bond to be subscribed by such as are not able to find caution.

I, A. B. bind and oblige me, that I shall keep the public peace, and that I shall not rise in arms against, or without his majesty's authority, under all highest pains that may follow, in case I shall do any thing in the contrary: consenting these presents be registrate in the books of privy council, that all execution necessary may pass hereupon, in form as effeirs: and constitute my procurators. In witness whereof, written by me I have subscribed these presents, at

low,* and from it I shall set down
1667. here the tenor of this bond, which at this juncture was very much pressed on the west and south country, as it stands in the register it runs:—"I, A. B. do engage, bind, and oblige myself to keep the public peace, under the pain of a year's rent of all and whatsomever lands and heritages pertain to me, to be paid in case I contravene; and also I bind and oblige me, that these who are, or at any time hereafter shall be my men, tenants, and servants, during the time they shall be men, tenants, and servants to me, shall keep the public peace, under the pains respective aftermentioned, to be paid *toties quoties*, if they, or any of them shall do in the contrar; that is to say, of the payment of the full value of a year's duty, payable to me for the time by the tenant or tenants that shall happen to contravene; and for my servants, in case any of them shall contravene; the full value of a year's fee. Which sums foresaid, I bind and oblige me, my heirs, executors and successors, in the case foresaid, to pay the commissioners of the treasury, treasurer, or treasurer-depute, who shall happen to be for the time, for his majesty's use: and consent thir presents be registrate in the books of privy council."—I have before me a good many other copies of the bond of peace at this time pressed, which all agree, and are only a little shorter than this taken from the registers. And though the above draught is that which was imposed by authority, yet having ground to think that what follows was the shape in which it was offered up and down the country, I have likewise added it:—"I, A. B. do bind and oblige me, to keep the public peace, and if I fail, that I shall pay a year's rent: likewise, that my tenants and men-servants shall keep the public peace, and in case they fail, I oblige myself to pay for every tenant his year's rent, and for every servant his year's fee. And for the more security I am content thir presents be registrate in the books of council."

This short bond was framed, as were most of the public papers of this time, so as it became matter of warm debates amongst conscientious and religious people, who feared an oath, and, which are next to it, bonds and subscriptions. The words were so general, as, at first view, they seemed to contain nothing contrary to the principles of

* *Council's act about the bond.*

The lords of his majesty's privy council, in pursuance of his majesty's commands for securing the peace of the kingdom, have nominated and appointed the earls of Eglinton, Dumfries, and Loudon, the lords Cochran, Ross, and Stair, for the shires of Ayr and Renfrew; the lord duke Hamilton, the Marquis of Douglas, the earls of Linlithgow and Wigton, and the lord Lee, for the shir of Lanark; the earls of Linlithgow, Annandale, Galloway, and the lord Drumlanrig for the shire of Wigton, and stewartry of Kirkcudbright, as also for the shire of Dumfries and stewartry of Annandale, with power to them, or any two of them, for the said shires and stewartries, to appoint the haill noblemen, gentlemen, heritors, and feuars, of the said respective shires and stewartries, to meet at the head burgh of the shire or stewartry upon the days following, viz.—the shire of Ayr and Renfrew upon the last of this instant, the shire of Lanark upon the 24th instant, and the shire of Wigton and stewartry of Kirkcudbright, shire of Dumfries and stewartry of Annandale, upon the 4th of November next, and thereafter to appoint their own diets, and there to offer to them a bond agreed upon by the council, and herewith sent subscribed by their clerk, to be subscribed by them, for themselves, their tenants and servants, for keeping the peace, under the penalty therein contained; and grant power to all such noblemen, heritors, and feuars of the said respective shires and stewartries, who shall subscribe the same, to require their respective men, tenants, and servants, to subscribe a bond for their keeping the peace, and relieving them of their engagements. And for the said noblemen, gentlemen, heritors, and feuars foresaid, their encouragement to engage, as said is, the said lords grant them full power and warrant, in case their said tenants refuse to bind for their relief, to distrin them; and if they have no tacks or rentals, to remove them from their possessions; and if they have standing tacks or rentals for years yet to run, give warrant to the clerk of council upon their desire, to grant letters to charge them to find the said caution; and if they continue disobedient, ordain them to be denounced rebels, and put to the horn; upon which denunciation the lords declare, that the said noblemen, gentlemen, heritors, or feuars, their masters shall have the gift of their *single* or liferent-escheat *gratis*, in so far as may be extended to the rooms and possessions belonging to them; and ordain the said commissioners to return the said bonds to the clerk of council, to be by him registrate in the books thereof, betwixt and the 15th day of January next: as likewise the said lords give warrant to the said commissioners to declare to such noblemen, gentlemen, heritors, and feuars, as shall give bond, as said is, that they shall *not* be pressed to take the declaration, unless they be admitted to places of public trust, conform to the late act of parliament made thereanent. The copy of the bond follows, see the body of the history.

a presbyterian, and those who desired to stand firm to the land's covenants: yet, they were so ambiguous, as it might be affirmed by the judge who tendered this bond, that the subscriber did homologate the present government, both in church and state, so it became matter of dispute and controversy among these who were opposite to the bishops and their ways. To obviate this ambiguity, an expedient was offered by some, of a declaration of the subscriber's sense and meaning, with a consent of the imposers to it; and a protestation taken against the supposed unlawful meaning of the words in the bond, and all done by way of instrument, in the hands of a public notar, before witnesses. A copy of one of these instruments, taken, or designed to be taken, December 30th, 1667, for the paper is only a double, I have insert below.*

Whether this method was fallen into by many, or accepted by the persons appointed to take subscriptions, I cannot say. By the clause about nonresistance in this copy, it seems to relate to some concerned in Pentland. 1667.

Many papers *pro* and *con*, anent those bonds of peace, were handed about at this time. The hinge of the debates lies in the import of keeping the public peace, and the nonresisting clause in the printed bond, annexed to the council's act above referred to, which indeed defeat the pretended design to these persons, and probably was cast in by the prelates and their friends, as knowing it would render the pardon very much precarious. The question then was plainly stated thus, Whether he who engageth to keep the public peace, engageth to do nothing which may disturb or alter the

* *Instrument taken at subscribing the bond, December 30th, 1667.*

Apud penultimo die mensis Decembris, Anno Dom. millesimo sexcentesimo sexagesimo septimo, regnique S. D. N. Regis anno decimonono.

The whilk day, in presence of me notar public undersubscribing, and witnesses afternamed being called, compeared personally before and two of the commissioners for the sheriffdom of appointed by the lords of his majesty's privy council, for receiving of the bonds for keeping the peace, according to the act of council, dated the 9th day of October last bypast, and there the said declared that and he were come to to tender the bonds for keeping the peace to the persons therein concerned, and therefore required the said to subscribe the said bond, to which the said answered, That he was most willing to evidence his respect to authority, and to justify his loyalty to his majesty upon every occasion, but declared, though the expressions in the said bond of keeping the public peace, and not rising in arms against, or without his majesty's authority, being considered in themselves, seemed to import nothing in the plain and genuine sense of the words, but what is the incumbent duty of a good subject, under a lawful and well governing magistrate; that yet he feared that bond, as it is circumstantiate with time, place, persons, and other circumstances, was intended for obliging the subject, to approve of, and submit unto prelatical government, and to give obedience unto all acts made, or to be made in favours thereof, and to prelimit and restrict from acting or doing any thing for extirpation of the same, contrary to that sacred indissoluble standing bond, the "solemn league and covenant," and second article thereof; and if the said bond, considered either in the substance or circumstances, could bear such a sense, or be any ways interpret to import any such thing, he held it to be most sinful and perfidious, and utterly to be refused: and also declared, that he likewise feared that the said bond was contrived for subverting and taking away all innocent self-defence, and giving unlimited and arbitrary obedience to persons in authority; and that such sense would be put thereupon, as should enervate and overturn former bonds and engagements, and tend to the prejudice of religion, liberties of the subject, and true peace of the kingdom, and if so, the taking of the said bond would be most sinful and unlawful, and therefore he could not in conscience subscribe the same. Whereunto the said replied, that the said bond, neither as to the occasion, import, or intent of it, did oblige to the approving of the present establishment of episcopal government, or giving obedience to the acts made in favours thereof, nor did it relate to ecclesiastical affairs, nor was it any ways contrary to former public lawful bonds and engagements, nor inconsistent with the covenant, nor did it condemn innocent self-defence, nor imply any thing contrary to the word of God, but only and simply obligeth to that which is the duty and allegiance of every good subject, and becometh every good Christian; and that in taking of the said bond, there was no ground for any of these fears mentioned by the said unto which the said answered, that since the said bond, according to his judgment, did not imply nor infer in the plain and common sense of the words, any thing but what is the duty of every good and faithful subject, under a lawful and well-governing magistrate; and seeing that the said as one authorized with commission from the council, had removed the grounds of his scruples and fears, by giving the explication and declaration before expressed, thereby removing from the said bond every sense, which could render the same any ways inconsonant to the word of God, or inconsistent with the covenant, but making it very agreeable to both, he declared himself willing to sign and subscribe the said

1667. present laws to which the public peace plainly refers? Or, Whether the subscriber only binds himself to the duties of righteousness commanded by the moral law? It was said upon the one hand, that no more was in keeping the public peace, but what we are antecedently bound unto by the second table of the law: and, on the other, it was urged, that when two persons enter into a solemn treaty with each other, they are bound, not only to all moral duties, antecedently lying upon them, but even to every particular in the treaty, and are to keep by it, even though it be to their own hurt, according to all articles and clauses in it. The other branch of the debate anent rising in arms, and resisting tyrants, or subjects endeavouring to have unjust and unrighteous laws repealed by arms, when precluded of all other methods of redress, both which had been done in Scotland more than once, landed in long and nice reasonings. People did divide in their judgments and practices, as frequently happens in dubious and debatable cases. Some took it, and others refused it, under different views of the extent, import, and meaning of the words. Yet, for any thing I can learn, there followed no alienation of affection among presbyterians, but the greatest harmony was kept up. It was good that this trial did not last long; but our managers within a little laid it aside.

Sir George Mackenzie, and the Jacobites at this day, aggravate the wilfulness of those who refused this bond of peace, from the consideration of the general nature of the terms in which it was conceived, affirming, that there was no more demanded thereby, than the ordinary surety of lawborrows; and that seeing any private man may force his neighbour to give him such surety, much more might the king, who had reason to be jealous of their breaking the peace, from their late rising at Pentland. A few considerations will abundantly show the insufficiency of this reasoning. The more general the terms were, the more ensnaring was the bond; because, when the managers of these times had a mind to be at a man, they could easily, upon the least shadow of an offence, bring him within so wide a noose. The oath of the test was conceived in very general terms; yet, as we shall see afterward, when the earl of Argyle, at taking of it, restricted its generality, by declaring he did not mean to bind up himself (not) to wish or endeavour any alteration he thought to the advantage of church or state: he was hereupon sentenced to lose his head. The very same risk did every man run at this time, who subscribed the bond to keep the peace, in case he had any such meaning, which it is certain every conscientious man would have. The instance of lawborrows by private men, does not hit this case; for, if any neighbour oblige me to find surety to him, I can oblige him, on the other hand, to find surety to me; but in this case, when unlimited subjection was enacted by law, it had been high treason to demand any such thing of the king. In short, how much soever the late rising at Pentland may be supposed to give the king ground to be jealous that they would break the peace; it is as plain that the government's former conduct to presbyterians, gave them better ground to be jealous, that it would give them the greater provocation so to do.

That same day, October 9th, the council form and agree to two acts. The one was printed, taking off the restraint put upon persons in the western shires, as to carrying arms, by the proclamation dated March 25th last; and allowing such who take the oath of allegiance, subscribe the declaration, or have carried arms for the king against the late rebels, as full and free liberty as any other subjects, to have and carry arms: declaring always that nothing in this dero-

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bond, as so signed and explained, protesting that it should no ways be interpret to imply or infer any thing but what is incumbent duty for him, according to the word of God, and solemn league and covenant: after repeating thereof to the said again and again, he subscribed the said bond, calling God to witness, and the persons after-named, that he subscribed the same in the plain safe sense thereof, declared by him, and acknowledged by the said in manner before-rehearsed. Upon all and sundry the haill premises, the said asked and required instruments in the hands of me notar public. These things were spoken and done day, month, year, and place, respectively above-specified, in presence of M. and R. witnesses, specially called and required to the premises.

gates in any ways from that part of the said proclamation for the defence of the persons, families, and goods of ministers. The other was of more general consequence, and related to persons disobedient to ecclesiastical authority, which not being in print, I insert here from the registers.

"The lords of his majesty's privy council being informed, that there are many profane persons, who are not only scandalous in their lives and conversations, but being cited before church meetings, to answer for the same, are contumacious, and refuse to appear, after lawful citation, to the great contempt of ecclesiastical authority, as now settled; whereby open profanity is like to abound and increase, and ecclesiastical government and discipline like to be weakened and suffer in the exercise thereof: therefore the lords of his majesty's privy council, give power and warrant to all magistrates and ministers of justice within this kingdom, upon intimation made by the bishops, within their respective dioceses, to apprehend such persons, and incarcerate them, until such time as they shall find sufficient caution to compear and answer before the church meetings authorized by law, as have cited them for such scandals, whereof they are, or shall be accused. With certification, that all such magistrates and ministers of justice, who shall refuse to apprehend and incarcerate, as said is, shall be answerable before the lords of his majesty's privy council, under all highest pains."

This act was improven by the bishops far beyond the letter of it, which seems to restrict it to such as are openly profane. And all who, as they called it, were irregular, and did not subject themselves to their authority and courts, when cited for their not keeping the church, and the like, were harassed and imprisoned; while, in the meantime, papists and quakers, as we shall see, were scandalously overlooked.

In November, the council agree to some regulations and orders to the standing forces, and record them, November 15th. They are frequently referred to afterwards, and are documents of the irregularities and depredations committed by the soldiers upon the country; therefore I have annexed them.* Those regulations were very little looked after by the makers of them, and, generally speaking, as little 1667.

* *Council's orders to the army, November* 15, 1667.

1. The lords of his majesty's privy council do ordain, that no trooper or soldier shall be cashiered but by a council of war, and then the causes to be recorded.

2. That no officer or soldier shall levy any money from any of the king's subjects, by quartering or otherwise, but by express order in writing from Sir William Bruce for the cess and fines, the commissioners of excise, and others authorized by acts of parliament, or convention of estates for the respective dues, and ordain the same be exacted orderly and regularly, as is presented by the act of the late convention.

3. In case any inferior officers, troopers or soldiers, shall be necessitate to take their entertainment upon trust, ordain the same to be done by direction of the chief officers present respectively, who are to engage to make satisfaction for the same, conform to the said act.

4. If any disorder or abuse happen to be committed by any horseman or foot soldier, ordain the respective officers commanding in chief for the time in the place, to cause them make satisfaction for the same, or punish them according to justice, or otherwise he himself should be answerable.

5. Ordain the officers of the several garrisons to correspond frequently one with another.

6. Ordain the officers to correspond with the noblemen and gentlemen of the country, for getting sure information of what passes.

7. Ordain the officers to take such care and keep such in their quarters, that they be not surprised.

8. Ordain the chief officer of the foot in every garrison to look to the securing of it, by intrenchments, barricadoes, and other necessaries without molesting the people therein, and to dispose of his posts and guards as he shall think fit. And within the garrisons, if the chief officer of foot be a captain, ordain him to command both horse and foot, and give orders; if he be a lieutenant or ensign, then the lieutenant-cornet or quarter-master of horse shall command and give the orders.

9. When the horse and foot, or parties of them, are together in the fields or any place out of the garrison, ordain that he that commands the horse, if he be a lieutenant, cornet, or quarter-master, shall command a captain or other inferior officers, and a brigadier to command an ensign and all below him.

10. Ordain that the chief field officers of the king's regiment of guards present, command in chief, and give orders in field and garrison, to horse and foot, wheresoever they are.

11. Upon intelligence of any people risen in arms, ordain the horse and foot in the garrison next adjacent (as thereafter is specified) immediately to draw out into the fields, and then the chief officer present, in absence of the field officer of the regiment, is to order or to take with him such of the forces as he shall think fit, for suppressing of any insurrection, in manner following.

1667. observed by the soldiers. That same day the council form an act concerning the forces, horse and foot, in the shires of Lanark, Ayr, and Wigton, to prevent abuses; which I have likewise added.*

But none of these were of any great use to relieve the country from the abuses of the army.

Upon taking the bond of peace, by the council records I find several of the gentlemen *confined* in the year 1665, *liberate*; some upon a bond of cautionry, and some without it. Upon the 21st of November, Sir Hugh Campbell of Cesnock, James Dunlop of that ilk, and James Holburn of Menstry, petition the council they may be liberate from their long imprisonment in the castle of Edinburgh, and beg their case may be recommended to his majesty. The council write a letter to Lauderdale, signifying they were made prisoners by the king's immediate order, and desiring the secretary may represent their case, and that of others in prison, to the king. In December a return comes ordering them to be liberate, Cesnock giving bond and caution for keeping the peace, under a thousand pounds sterling, Menstry and Dunlop under twelve thousand merks Scots. The same day, I find the laird of Blackston liberate by the council's act fol-

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12. If it shall fall out that any desperate people rise in arms in the lower ward of Clydesdale, sheriffdom of Ayr and Renfrew, ordain, that he that commands the horse at Glasgow, immediately on notice thereof, to send a party of horse, or march himself with the whole horse lying in his own garrison, according as he shall see cause, to suppress them, by taking or killing such as he or they shall find in arms, without or against his majesty's authority. And in that case grants him power to command as many of the foot as he pleases, with competent forces to march with him; and if he judge it necessary, with power to him, to mount some or all of the musketeers on horseback, or dragoons to do all military actions, as he shall command; and so by one or more parties, the haill horse and foot in his garrison, he is ordered to seek out these risen in arms, and attempt to defeat and destroy the same, without staying for any further force.

13. As soon as he shall get any such information or alarm of people risen in arms, ordain him forthwith to acquaint the lord chancellor, or, in his absence, the lord conveher of the council at Edinburgh, with the same, as also the officers of other garrisons.

14. And if his information shall be, that the number of these risen in arms is greater than that under his command, ordain him to command the horse and foot in the other garrisons to meet at a set time and place, whither he shall march with his own forces, or send them new orders after he shall attempt to defeat and destroy these risen in arms, as aforesaid.

15. If there be such risings in the sheriffdom of Wigton and Dumfries, or stewartries belonging thereunto, ordain the commander of the horse at Dumfries, to do as is prescribed in the twelfth and thirteenth articles; and ordain that the chief officers within the other garrisons, who shall receive intelligence, give orders to all the horse and foot in the garrison, as he shall see cause, till further order from the council; and in the upper ward of Clydesdale, ordain him that commands the horse in Lanark, to command and act in like manner.

16. Ordain and command all officers to take exact notice of the premises, and in their several stations to do every thing else, that may conduce for the promoting of his majesty's service, with special care and discretion. Subscribed *ut sederunt*.

* *Act of Council about the Forces, November* 15, 1667.

Forasmuch as the standing forces of horse and foot are ordered to quarter in the shires of Lanark, Ayr, Dumfries, Wigton, and stewartries thereof, and certain other places, till the council's further order; and that, for levying and exacting of money, or for entertainment in their quarters, or for the prices of corn and straw, there may be abuses committed, which may occasion complaints and grievances: therefore, and for preventing thereof, the lords of his majesty's privy council do ordain and command, that no officer nor soldier shall levy any money from any of the burghs or subjects, by quartering or otherwise, but by express order in writing, from Sir William Bruce, for the cess and fines, the commissioners of excise, and others authorized by acts of parliament or convention of estates, for the respective dues; and ordain that the same be exacted orderly and regularly, as is subscribed by the act of the late convention; and in case any inferior officer, troopers or soldiers, shall be necessitate to take their entertainment upon *trust*, ordain the same to be done by direction of the chief officers present, respectively, who are to engage to make satisfaction for the same, conform to the said act: and if any disorder or abuse happen to be committed by any horseman or foot-soldier, ordain the respective officers, commanding in chief for the time, in the place, to cause them make satisfaction for the same, or punish them according to justice, or otherwise he himself shall be answerable. And ordain the commissioners of excise to put prices upon all the corn and straw, at the ordinary and usual rates, as they are sold within the shire, upon payment whereof the sellers are only obliged to deliver the same to the soldiers buyers thereof, who are ordered to receive and carry the same from that place to their own quarters, without troubling the sellers therewith. And ordain the said commissioners to make intimation hereof, by affixing copies of the same upon the market-crosses of the several burghs, and shires, and parish kirks thereof, that none pretend ignorance.

lowing. "Anent a petition presented by Maxwel of Blackstoun, bearing, That by order of council, dated the 13th of December last, the petitioner was committed prisoner to the tolbooth of Edinburgh, and by a posterior act transported to the castle, where he has ever since been detained prisoner; therefore humbly craving to be set at liberty: The lords of his majesty's privy council considering the foresaid, and that the petitioner is not excepted out of the indemnity, and that there is neither sentence nor process of forfeiture depending against him, give order to set him at liberty, he giving bond to keep the public peace, under the pain of ten thousand pounds Scots." And upon other applications, I find another letter from Lauderdale, January 22d, next year, ordering William Ralstoun of that ilk, and Robert Halket, to be set at liberty, upon their signing the bond of peace, with caution: and major-general Montgomery is to be set free, only upon his parole of honour to keep the peace. The council's act anent him is but short. "Anent a petition presented by Robert Montgomery late major-general of his majesty's army, 1651, showing, That the petitioner having remained (excepting a little time) now by the space of two years and four months, with all silence and submission, in the castle of Stirling; and as, in the knowledge of his innocency, he is confident he hath failed nothing in his faithfulness and loyalty to his majesty, so he is most desirous to remove all suspicion of his carriage for the future; humbly therefore desiring that order and warrant may be granted to the effect underwritten: we the lords of his majesty's privy council having considered the said petition, with his majesty's pleasure signified anent him, give warrant to the governor of the castle at Stirling, to set him at liberty; and ordain him immediately to repair to Edinburgh, and subscribe such bonds acted in the books of council, for keeping the public peace of the kingdom, as they have ordained." Here the council go some further than the king's pleasure signified to them by his secretary. Meanwhile, some others of the gentlemen, formerly confined without any reason given, are kept under their confinements, such as Sir George Maxwel of Nether-pollock, Cuninghamhead, and Rowallan; and upon the 26th of November, this year, Sir James Stuart late provost of Edinburgh, and Sir John Chiesly, are, by the council's orders, sent from their confinement in the castle of Edinburgh, to the tolbooth of Dundee. And, upon December 12th, I find Mr Alexander Smith, sometime preacher, banished to Zetland by the commission for church affairs, is ordered to be brought to Leith; and presented before the council. And Mr Hugh Peebles, late minister at Lochwinnoch, in the shire of Renfrew, confined to the north for several years by the same commission, is allowed to go west to order his affairs, upon giving bond of a hundred pounds sterling, to answer the council when called. 1667.

Little more considerable offers this year. In July the council had passed an act against papists, and recommended the execution of it to the archbishops. By the registers there appears a plain slackness in the archbishops, in all acts made against papists; and many letters are writ to them upon every such occasion, before any return can be had, as has been remarked in the first book. Another instance I give here. In December, the council order the clerk to write the following letter directed to the two archbishops:

"Most Reverend,

"By an act of council of the penult of July last, it was ordained, that a list of the haill papists in every parish within the kingdom, should be made by the minister of each parish where they live, and be returned to the council before the second Thursday of this instant, which is now elapsed: and finding that the care of the business, which is so important, is recommended to your grace, as to all parishes and bishoprics within your diocese, the council has recommended to me to give you notice hereof, that a speedy return may be made, that accordingly they may proceed to the execution of the acts of parliament made against papists; and, in order thereunto, what commands

1667. your grace shall think fit to send, shall be obeyed by

"Your grace's most humble servant,

"PET. WEDDERBURN."

The violence wherewith the two archbishops pushed on the persecution against presbyterians, is the more aggravated by their coldness in doing any thing which might be hard upon the papists: it may be a good reason also, and is an undoubted proof of the great hazard we were in of returning back to Rome; yea, this and other steps, taken now and afterwards, paved the way for a papist's mounting the throne, and the desperate plot of destroying the whole reformation, so happily disappointed by the late happy revolution.

Upon the 12th of December, the council emit a proclamation against the known book, entitled "Naphtali, or the Wrestlings of the church of Scotland." It is ordered to be burnt, and all copies of it are ordained to be brought in to the next magistrates, against the 1st of February next; and any who have copies after that, are to be fined in ten thousand pounds Scots. The book was compiled by two very great men; the reasoning part of it was done by one of the best lawyers of his time Mr (afterwards Sir) James Stuart of Goodtrees, whom we shall meet with frequently in the following periods; and the historical part by a very worthy minister, the reverend Mr James Stirling, minister of the gospel at Paisley. An answer was published to it by bishop Honeyman; but he evidently weakened the cause he undertook to defend, and was taken up, with great strength of reason, by the foresaid Mr Stuart, as were some other authors of his kidney, in that useful book *Jus populi vindicatum*. Thus I have gone through the sufferings immediately succeeding Pentland, and the state of things this year, till the indemnity stopped a little the persecution. In this calm, Mr Alexander Dunlop, and Mr James Fergusson, two eminent presbyterian ministers, died.

CHAP. III.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS IN THE YEAR 1668.

IT hath been said just now, that the presbyterians had a calm after the indemnity. This must only be understood comparatively with the rigour used immediately after Pentland, and the severities of the army, and the many executions then so common. The same spirit of persecution raged in the ecclesiastical state. Indeed the king's change of hands did not permit them to run their full length, as heretofore; yet, now and then, during this and some others of the more easy years to the Whigs, some very sharp documents were given, that the same bitter temper remained. 1668.

Many were the occasions of the lenity of the present managers. Just clamours were raised from all the corners of the country, of the severities of Sir James Turner, Bannantyne, and the army, and it was popular to take a contrary course. The king had changed his cabinet-council in England, and laid aside some of the highfliers. The constancy and religion of the sufferers had left such impressions on some, that, I am told, the earl of Dumfries said openly in council, "that if they went on to take away more lives, all Scotland would turn such fanatics as these people were." In short, the bishops more and more discovered their cruel and selfish temper, and were generally disliked; and such who had public affairs among their hands, were neither so much under the prelates' management, nor so violent in their temper, as the former set. They believed an injury and act of injustice might be done against a Whig as well as another subject, and did not altogether regulate themselves according to the maxim laid down now for near seven years, that nothing done against a presbyterian could be wrong; yet presbyterians were far from being overlooked, and wanted not their difficulties, as shall be noticed. Yea, some were pleased to think, that the managers might have discovered their zeal against

popery better, than by the boring the tongue of a fellow of no good reputation indeed, for saying, what many now jealoused, (suspected) and every body afterwards saw, that the duke of York was a papist. This chapter then will naturally fall into two halves. The stop put to the severities in the former period, by some of the persecutors their being called to an account; and the remaining sufferings of presbyterians, with their state and circumstances during this year. I begin with

SECT. I.

Of the council's inquiries into Sir James Turner and Sir William Bannantyne their cruelties and oppressions.

In the beginning of this year, the council came to inquire into the carriage of Sir James Turner and Sir William Bannantyne; and I shall give the account of their procedure mostly from the records. Had a joint inquiry been made into general Dalziel, Sir Mungo Murray, and others' procedure, as great, if not greater oppressions, might have been found.

To deduce Sir James Turner's examination from its rise last year, I find a letter from the king, November 26th last, signifying to the council, "that he had received divers informations of many illegal executions by Sir James Turner, during his command in the west, and therefore he orders them to inquire into that matter, and report." That day the council appoint the lords Halkertoun, register, advocate, justice-clerk, lord Cochran, lieutenant-general Drummond, and Sir Robert Murray, to try Sir James, and report to them. The report of this committee lands in a commission from the council, December 8th, "to the earl of Nidsdale, lord Kenmure, the laird of Craigdarroch, and some others in the south, to make trial of the actions of Sir James Turner, what sums of money, bonds, moveables, and goods, were exacted, levied, and uplifted by him, or any under his command; what was the soldiers' carriage in the said exactions, what free quarters were taken; and his haill carriage in the shire of Dumfries, and stewartry of Kirkcudbright, and report." Before this committee, abundance of gentlemen and others appeared, gave in informations, and adduced witnesses, clearly proving a great many grievous and atrocious things against Sir James and those under his command, which were so many evident vindications of that poor oppressed corner their rising in arms, and evidences of the necessity they were laid under so to do. Some of them have been pointed at, and particulars would be endless. As the best account I can give of this affair, I here insert a copy of the report given in to the council by their committee, as the issue they came to in this matter, February 20th, 1668, which they transmit to the king. 1668.

Apud Edinburgh, vigesimo die mensis Februarii, 1668.

Report anent Sir James Turner.

"The committee appointed for trial of Sir James Turner's carriage, having given in their Report, bearing, That, according to order, they having met upon the 28th of November last, drew up fit queries and instructions concerning it, and orders to some gentlemen in the west, to take information of all sums of money exacted by Sir James, or his order, for fines, cess, or otherwise, and of all his deportments: and to be sure of a speedy return, sent Thomas Buntine with letters, and the orders abovementioned, appointing him to attend the prosecution of them, and bring back the reports; which accordingly he did, before the 10th of January.

"The committee did thereafter deliver to Sir James, a paper containing some grievances drawn out from the stewartry of Kirkcudbright only, those in the other shires not being so clear and full. They allowed Sir James to see all the reports in the clerk's hands, and enjoined him to give in his answers in writing, the 17th instant, which he did. And the committee having read and considered all, and examined Sir James upon every point that occurred, after a full debate, agreed to offer to the council their humble opinion, that the council do, in obedience to his majesty's commands, transmit to the secre-

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1668. tary the following report, to be communicated to his majesty.

"The lords of his majesty's privy council did no sooner receive his command in his gracious letter, of the 21st of November last, for taking exact information of Sir James Turner's deportment in the west, but they ordered and empowered a committee of their number to inquire diligently thereinto; and by their report it appears, that upon informations from the stewartry of Kirkcudbright, given in upon oath of parties, or their masters or neighbours, many illegal exactions have been made, and disorders committed, such as,

"1mo, Quartering of soldiers, for levying of fines and impositions. 2do, Exacting cess, or quartering-money, for more soldiers than were actually present, sometimes for double the number, or more; and that besides free quarters for those present, sometimes eightpence, sometimes twelvepence, sometimes sixteenpence, and sometimes more for each man. 3tio, Cess exacted for divers days, sometimes eight, ten, or more, before the party did actually appear. 4to, Imposing of fines, and quartering, before any previous citation, or hearing of parties. 5to, Fining without due information from ministers. 6to, Fining such as lived orderly, as appears by ministers' certificates. 7mo, Fining and cessing for causes, for which there are no warrants from acts of parliament or council; as, 1mo, Baptizing of children by outed ministers. 2do, Baptizing by neighbouring ministers, when the parish church was vacant. 3tio, Marrying by outed ministers. 4to, For keeping of conventicles. 8vo, Fining for whole years preceding his coming to the country, and that after they had begun to live orderly. 9no, Fining fathers for their daughters baptizing their children with outed ministers, though forisfamiliate six months before, and living in another parish. 10mo, Fining, without proportioning the sum with the fault. 11mo, Fining in whole parishes promiscuously, as well those that lived orderly, as those that did not. 12mo, Fining whole parishes, where there was no incumbent minister. 13mo, Fining one that lay a year bedfast. 14mo, Forcing bonds from the innocent. 15mo, Cessing people who were not fined. 16mo, Taking away cattle. All those actings are illegal.

"Misdemeanors of other kinds were, 17mo, Agreeing for fine and cess both in one sum, whereby accounts are confounded. 18mo, Not admitting of complainers, who were cessed, to come to his presence, alleged to be his constant practice. 19mo, Permitting his servants to take money for admitting people to him, and yet access denied. 20mo, Increasing the number of quartering soldiers after complaints. 21mo, Exacting money for removing of soldiers, after cess and fines were paid. Every one of the foregoing articles was made out by information upon oath, which yet doth not amount to a legal proof; which in most of those cases will be difficult, if not impossible, to obtain, in regard that no witnesses can be had, that are not liable to exception, unless by examining officers, soldiers, and servants, which would take up much time and labour.

"Sir James Turner's defences, as to such of the foregoing articles as he acknowledged, are commission and instructions from the then lord commissioner, for quartering, to raise fines, for fining those who forbore going to church, or married or baptized by outed ministers, or kept conventicles, and that upon the delations of credible persons, and to prefer them to those of ministers; but he does affirm, that all the commissions and instructions were taken from him by the rebels, when he was made prisoner, and so hath nothing to show for his vindication. And for all the other heads above-written, he either denies matter of fact, ascribes the transactions to others, or pleads ignorance.

"The sums of money received for fines and cess, and bonds taken, he acknowledges to have amounted to thirty thousand pounds Scots. The sums charged upon him by the country, besides quartering, come to about thirty-eight thousand pounds Scots; wherein is not reckoned what was exacted from any of those who rose in rebellion, and some parishes whence no information was returned.

"And as to his surprisal he says, 1mo, He had but sixty-six foot in those parts

under his command. 2do, That they were all dispersed through the country about the fines, so that there was not so many left with him as to keep guard at his lodgings, nay, not so much as one soldier before the gate. 3tio, That he had no order to keep a guard about him, or to fortify himself, although there be a strong house within the town, called the Castle, to which he might have retired with some thirteen soldiers, who came in that night before he was taken. 4to, That he had intelligence, there was a rising in the country; and that a corporal of his was wounded by a shot, who told him, there were divers persons got together, who had intelligence from the north of a rising there, with an intention to march to the citadel of Ayr, and to seize the citadel, and arms which had been taken from the country. 5to, That about midnight he wrote to George Maxwel of Munshes. 6to, He sent orders to more of his soldiers to meet the next morning, intending towards New Galloway where the rising was reported to be. 7mo, That he had risen about six of the clock that morning, but, being indisposed, lay down, and when up in his nightgown, about eight of the clock, he was surrounded and taken.

"This is all that is to be expected from his majesty's information concerning Sir James Turner: as to what further concerns the money he intromitted with, it may be looked after according as his majesty shall appoint.

"The lords of council having heard and considered the foresaid report, do approve thereof, and ordain an extract of the same to be transmitted to the secretary, to be communicated to his majesty." From this report we have a pretty full view of this matter; and when we consider this report comes only from the stewartry of Kirkcudbright, and some parishes in it, and takes in nothing of the oppressions which concern the persons who were actually in the rising, it will appear how vast sums were uplifted in the shires of Dumfries and Galloway.

March 10th, the council have a return from the king, wherein he tells them, he had considered the above report, and thinks fit to declare his pleasure, that Sir James Turner be no more an officer in his service. He orders the council to call for him, and receive up his commission, and to call Sir James, Sir William Ballenden, and others, to an account for the money and bonds uplifted by them for church fines, to the end, that what is unjustly taken, especially bonds, be given back, and what remains may be employed in charitable uses. The same day Sir James appears before the council, and delivers up his commission to be a major, dated February 12th, 1664, and his other commission to be a lieutenant-colonel, of the date July 28th, 1666. And to give the whole of this account together, upon the 7th of May, the committee of council appointed to examine Sir James's accounts of money and bonds uplifted for church fines, gave it as their opinion, that seeing there would be difficulty to prove the charge, given in by the country, of thirty-eight thousand pounds, or thereby, against Sir James, the charge of thirty thousand pounds ingenuously confessed by him, be admitted without further inquiry. And as to the first article of his discharge, a thousand pounds sterling for quartering; they are of opinion it should be allowed, since it was usual in such cases. That the second article of his discharge, eight thousand one hundred and fifty pounds Scots of bonds taken, and delivered in to Alexander Keith, be likewise allowed. That his third article of an hundred and fifty pounds sterling, as his charges, by his going and coming to Edinburgh, be allowed considering his losses when made prisoner at Dumfries. His fourth article, of forty pounds sterling given to some ministers, likewise allowed; and some other smaller articles, for shortness, here omitted: and his last article of six thousand merks taken from him when prisoner, the committee give it as their opinion, being persuaded of Sir James's ingenuity, that it be admitted. The council approves, and discharges accordingly. It will be easily perceived, the council and their committee do not go the length of *summum jus* with this gentleman. His defences are much the same before the king's council, with these he made to

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colonel Wallace's council of war.
1668. He urged his orders from the commissioner, and letters from bishop Sharp and other bishops: and if he was to be believed in his own cause, his severities were not by far so great as his instructions bore him to. However, to stop the clamour of the country, it was thought proper to remove him from his posts, and many were of opinion, his commissions were so large as he ought not to have received them.

I wish I could give as full an account of the inquiry made anent Sir William Ballenden or Bannantyne's oppressions, and illegal exactions: but I find only one very general article anent him in the council registers, and I shall begin with it, and then give what I meet with concerning him in other papers come to my hands. In prosecution of the king's letter, dated March last, ordering a trial to be made of his carriage, he was imprisoned, and a committee appointed to examine his accounts; and upon the 4th of August, the council come to pass the following act about him:—"The lords of council, considering the complaints given in against Sir William Ballenden, and the answers given thereunto, do fine the said Sir William in the sum of two hundred pounds sterling, allowing to him a precept drawn by the lords of the treasury for one thousand three hundred merks which he answered: and in respect the said Sir William hath exhibited all the bonds and papers taken by him in Galloway, and given sufficient caution to remove off the kingdom betwixt and the first of September next, and not to return without special order, under the penalty of five hundred pounds sterling, do assoilie the said Sir William from all other pains and punishments that might have followed upon the said complaint."

This sentence was reckoned exceeding soft and favourable to Sir William; far greater outrages had been laid in against him than against Sir James Turner. The gentlemen of Galloway gave in libels and very full proofs of his horrid extortions, filthiness, rapes, and cruelty. Some parts of his carriage have been noticed, and many more might be here added. He made great fires, and laid down men to roast before them, when they would not, or could not give him the money he required, or the informations he was seeking. It was fully proven, that among other barbarities, he was perfectly inhumane to a gentleman in Galloway. He is not named in this account now in mine eye; but from what is above I guess it to be Gordon of Largmore. The gentleman had been at Pentland, and through his wounds there, and hardships before he got home, he fell very ill, and was at the point of death, when Sir William orders him to be brought to him dead or alive. The party brought with them a cart, knowing the gentleman could neither ride nor walk, and tell him he must now go with them. He raised himself a little upon his bed and told them, He now defied Sir William and all his persecutors, and forgave them, adding, that very shortly he would be in better company; and then leaned down again, and in a very few minutes died.

These things could scarce prevail with many of the members of the council, to imprison Sir William, until some of the gentlemen offered to prove some treasonable speeches against him, tending to incite them to a new rising, and that he professed himself willing to join with them. The secret of this we have already heard of; and it was the project of the party, who were for keeping up the standing army, but durst not now be owned. Upon this he was imprisoned, and got this part of the libel shuffled by, by confessing some expressions tending this way, as uttered by him with a design to expiscate the designs of the Whigs: and shortly he is set at liberty, and the former fine imposed, and act of banishment passed against him. Away he flies to court, and there puts the best face he could upon matters, with the help of his friends, whose interests he had served in Scotland: but his old masters could not prevail with Lauderdale to remit the fine. It is said upon this he undertook some wicked design upon that nobleman's life; but the particular vouchers of this I have not seen. It is certain he was obliged to leave the king's dominions. He went over to the army now in the Low Countries, and served in the siege

of Grave, and was there killed. It is added, that as he was walking very negligently within the reach of the cannon of the town, some called to him to take care of himself, for he was too near. He answered, "Cannons kill none but fey* folk." He had scarce said so, till a cannon ball came upon him, and carried out his heart some distance from his body; which was sadly agreeable to a wicked imprecation too ordinary with him.

This melancholy end of this wicked persecutor, brings to my mind a pretty remarkable judgment upon two of the same kidney, though far inferior to Sir William in wickedness or quality. David M'Bryar an heritor in the parish of Irongray, and member of Middleton's parliament, who was to have witnessed some points of alleged treason, in his minister Mr John Welsh his sermons, about the time of Middleton's parliament, and turned after that a violent persecutor, was evidently frowned upon in providence as to his business: his substance was sensibly blasted, and in a few years he fell into great difficulties; so that being in hazard to be laid up for debt, he was obliged to skulk amongst his tenants, and hide the best way he might. About this time one John Gordon, a north country merchant, just such another as M'Bryar, came south to agent the business of a curate in that country, who had come from the north. Gordon, when at Dumfries, had borrowed Mr Chalmers, curate there, his sword, and when travelling through Irongray, he met Mr M'Bryar in the fields, looking very melancholy and dejected. Gordon presently concludes him to be a whig, and requires him to go with him, as a suspected person, to Dumfries. The other, after some shifting answers, refused, fearing only the prison for his debts. This shyness, without a reason given, made him the more jealoused (suspected) by Gordon, who draws his sword, and told him, he would force him to go with him. M'Bryar, either in resisting or running, is killed, being run through the body, and died on the spot. The other made no secret of his having killed a whig, to the people about. When they saw the dead body, they knew Mr M'Bryar, and seize Gordon, and carry him into Dumfries, where presently, by sentence, he is hanged, for murdering a man as honest as himself. This strange incident made the country people say, it was a cursed thing to harass the whigs: and indeed a holy providence appeared in it, making one persecutor to cut off another. 1668.

When the council have Sir James Turner and Sir William Bannantyne before them, honest people began to hope they might be heard in their complaints, against some others who had illegally oppressed them. Therefore some persons in Ayr, particularly bailie John Ferguson, and some others, gave in a charge against William Cuningham provost of that town, containing many acts of riot, injustice, and oppression, alleged to be committed by him. Cuningham makes his interest with the archbishop of Glasgow, and so comes into Edinburgh with confidence enough, and not ill founded: for after his accuser had been at the charges of taking in forty witnesses and upwards, to prove his libel, and was just about to table it, he is told by some of the members of council, that unless he agreed with the provost, and dropt this design, the declaration would be put to him. His throat not being wide enough to swallow this, he was obliged to withdraw, and hold himself quiet. Great were the discontents that Bannantyne was so easily passed, and inquiries into the carriage of others thus were fraudulently stopped. However, the notice taken of these two made presbyterians take a little heart, and sermons were some more frequent than formerly. But I go forward to

SECT. II.

Of the procedure against presbyterians this year, the bond of peace, severities against outed ministers, Mr Mitchel's first attempt, and some other matters.

HAVING thus given some account of the notice taken of some of the instruments of the severities against presbyterians the former years, I come now to take a view how matters went with themselves through this

* Fey, silly, deranged.—*Ed.*

1668. year, and that as much in the order of time as I can now recover. I may begin with some further account of the bond of peace, and the circumstances of the sufferers as to that. When it was imposed in the close of the last year, the persons required in several places, did not meet in order to the signing of it. I find particularly, December 4th, the heritors, and feuars of the barony of Glasgow, did not convene; and the council appoint the archbishop of Glasgow and marquis of Montrose, to see it done against the first of January. Upon the backwardness of people to it, the council write to the king, for his orders what to do now upon the running out of the time fixed in the indemnity, and anent the bond of peace. Upon the 16th of January, the king's letter anent the indemnity and bond, comes before them; which I insert here.

"Right trusty, &c.

"Having received full information of your care and diligence for providing of money, and disbanding the new troops, as also for appointing the bond to be signed for keeping the public peace; we do return you our hearty thanks: and whereas we are informed, that divers do neglect or refuse to sign those bonds, in some of the shires, we do require you to send us a particular account, who have signed the bonds in the several shires where they were appointed, and who have neglected or refuse to sign; and if any have neglected or forslowed that necessary service: as also, who of those that were accessory to the late rebellion, have accepted our gracious pardon; and in what places the same hath been slighted; together with your free opinion what is further necessary to be done, in relation to security for the peace, and what course is fittest to be taken with these of the late rebels, who have slighted, and not accepted our gracious pardon: but above all, we most especially recommend to you to use all possible means and endeavours for preserving and settling the public peace under our authority, and with special care to countenance and maintain episcopal government, which in all the kingdom we will most inviolably protect and defend. You must by all means restrain the gatherings of the people to conventicles, which are indeed rendezvouses of rebellion; and execute the laws severely against the ringleaders of such faction and schism; and return to us your very free advice, wherein you need our more particular commands for those ends. We did lately recommend to you, the ordering of our troops and companies to such places as you should think most convenient, and we appointed who should command them, in absence of our chancellor: and now considering how needless a general is to so few troops, we do think it fit to intimate our pleasure, that our commission to our general, in that our kingdom, and all other general officers, be recalled; being resolved to appoint general persons where we have an army. And in the mean time you are to give orders to the commanders of our troops, as you shall find expedient for our service."—It took some time before the council could return an answer to all the particulars in this letter: so upon the 27th of February, I find they make the following return to Lauderdale, which, as containing a very distinct account of the state of the country, anent the indemnity and bond of peace, I insert it here.

Apud Edinburgum, 27mo mensis Februarii 1668.

"In obedience to his majesty's commands, a committee was appointed; and by them order was given for bringing in an exact account of these who have signed the bonds for keeping the public peace, who have neglected the doing thereof, who of those in the late rebellion, have accepted of his majesty's gracious pardon, and who have slighted the same. By their report it appears, there are few or none of the considerable heritors in the several shires, who were appointed to sign the bond, have not signed the same, except such who had formerly taken the declaration, or whose constant residence was not within the shires, and did not apprehend themselves obliged thereunto.

"As to those accessory to the late rebellion in the shire of Lanark, one hundred and forty-seven have taken the benefit of his majesty's gracious pardon, and signed

the bond for their future deportment; and one hundred have not. In the shire of Ayr, fifty-seven have taken the bond, and seventy-two have not. In the stewartry of Kirkcudbright and Dumfries, fourteen have taken the bond, and one hundred and twenty-eight have not.

"The whole number of those who have come in upon his majesty's gracious pardon, being two hundred and eighteen, and of those who have not embraced it as yet, three hundred, who, for the most part, are very mean persons, as servants, subtenants, and craftsmen; and the remanent who were in the said rebellion, were either killed in the field, or publicly executed, or are since dead, or fled out of the kingdom.

"As to the further securing of the peace and quiet of the kingdom, it is our humble opinion, 1mo, That his majesty may be pleased to grant warrant for issuing a proclamation, discharging all such who have not subscribed the said bond for keeping the public peace, to have or wear any arms, sword, dirk, or whinger, or any other whatsomever; or to have or keep any horses above the value of fifty pounds Scots, after a certain day to be affixed; and that a power and warrant might be given and granted to all sheriffs, stewarts, bailies of regalities, magistrates of burghs, justices of peace, and all magistrates whatsomever, to search for, and seize upon all arms in the possession of such persons and to exact ten pounds Scots, *toties quoties* of the haver or wearer of such arms, the one half to be given to the discoverer, and the other half to be disposed upon by the judges, as they shall think fit. And further, that they be empowered to seize upon, and intromit with all horses which shall be found in the possession of those persons, above the value of fifty pounds Scots, paying the said sums always to the party: and that also, by the said proclamation, it may be declared lawful for any person whatsomever, who knows of any horses in such hands, above the said value, to seize thereupon, bringing always along with him, a magistrate of a burgh of landward, or any of the officers or messengers at arms, or any notar public with witnesses, and in their presence made payment of the sum of fifty pounds Scots; and in case of resistance, complaint being made to any of the magistrates foresaid, that they cause the horse be delivered to the person who seized the same, without payment of any price therefore, and otherwise punish him in whose hands the horse was found, in his person, at their discretion. 1668.

2do, Because, through the absence of those persons who were appointed to take the bonds from the rebels, by reason of their sickness, or their being at Edinburgh attending lawsuits in the time of the term, the meetings for subscribing were not so timously, nor so punctually observed, and that many of the rebels themselves were fled the country, or lurking in obscure places, and so did not know of the several diets, before the time was elapsed, and that divers was come in since, and others may; it is our opinion, that all that have or do accept of the pardon, and sign the bond before the intimation of his majesty's further pleasure to the council, may be admitted thereunto, and that his majesty may be pleased to signify his pleasure accordingly.

"3tio, That his majesty may give warrant for a proclamation, wherein the names of all such of the rebels, as shall not then have taken the bond, may be insert; and that magistrates, and others his majesty's judges, and officers in burghs and landward, may be commanded upon their allegiance and duty, to seize and apprehend them, and present their persons to justice; and that all heritors, and others his majesty's subjects, may be discharged to harbour, reset, or keep any correspondence with them; with certification to such as shall fail herein, they shall be punished as aiders and abettors of rebels, and accessory to the rebellion. And if it shall be found that any of the rebels have, or shall have any reset, supply, or entertainment within the bounds of any of these heritors, who have not taken the bond for the peace, that every such heritor shall be pursued, and proceeded against, as guilty of the rebellion.

"Against conventicles there are acts of

1668. council, so many and so full, as nothing can be added thereunto; but the council will be careful to see them put to due execution; and, by their act of the last of January, herewith sent, have taken order for removal of all outed ministers, forth of the city of Edinburgh, and other prohibited places, and restraining conventicles therein." —At the close, the council recommended it to Lauderdale the secretary, to lay all these things before the king.

According to this desire of the council, they are permitted to receive persons upon the bond of peace; and it is made very much a rule of their procedure. In April, I find David Barclay prisoner in the castle of Edinburgh, for some concern, I suppose, in Pentland, upon his declining to sign the bond, is sent to the tolbooth of Montrose. In February this year, the banished ministers in Holland, sent over their sentiments of the bond, in warm terms, as a great defection, and a burying of all covenanted reformation-work; which wanted not its influence to hinder some to take it. Thomas Lennox, above condemned to die for Pentland, is liberate in April, upon signing it. Andrew Robertson, prisoner on the same score, is allowed to transport himself to New England. In June, I find John Bryce mealmaker in Cambusnethan parish, William Fergusson weaver in Lanark, William Adam smith in Williamstoun, prisoners. When brought before the council, they acknowledge their being at Pentland; and, upon their refusing the bond, they are banished to Virginia: with certification, if they return, the pains of death will be inflicted. And I find a short work made by the council, in a general order, July 30th, that all who are in prison for the rebellion, and shall refuse the bond, are to be sent to the plantations; and thither not a few were sent this year.

Agreeably to the proposal in the council's letters above, I find a proclamation published, May 9th, ordering all magistrates and officers of the standing forces, to seize and apprehend about a hundred persons, whose names are annexed to the proclamation, as having slighted the indemnity offered. The proclamation is added.* It seems to be in pursuance of this and other proclamations, that the council, June 25th, "order out letters against the lord Torphichen, and other heritors of West Calder, and others to be condescended on by my lord Haltoun, (thus it runs in the council records) to answer for harbouring John Gilchrist, James Nimmo, and Thomas Finlay, and not apprehending them, and offering them to justice for their accession to the rebellion, 1666." This process was for some time in dependance, and brought no small trouble to several persons very innocent in this matter.

By a letter, dated July 23d, the king leaves the council to do with those concerned in Pentland, as they see good. His words are these: "We now think fit to refer it to you, to take such course with all in the rebellion, 1666, who are not particularly forfeited, as you think fittest for the peace of the kingdom, either by banishing them to the plantations, or admitting them to take the benefit of our pardon, as you think fit." But presses their ridding the kingdom of preachers at conventicles; which I shall just now have occasion to notice. Accordingly, upon the 4th of August, James Anderson, John Wright, and Robert Grier, are banished to Virginia, for being in the rebellion 1666. And in November, I find a good many concerned in Pentland, are, by the council, admitted to take the bond; and Robert Chalmers (who afterwards got a remission, if it be not another of the same

* *Proclamation against rebels who have not accepted the indemnity, May 9th, 1668.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to

macers or messengers at arms, conjunctly and severally, and to all and sundry our lieges and subjects whom it effeirs, greeting: Forasmuch as we, by our act of indemnity and proclamation, of the date the ninth of October, one thousand six hundred and sixty-seven, were graciously pleased to make intimation of our tenderness and care, to reduce such of the late rebels as were seduced and misled, to their due obedience to our authority and laws, (excepting only such as were therein named) provided always that they should appear betwixt and the first day of January last bypast, before such as were then authorised by the lords of our privy council, and give such bonds for keeping the

name) William Miller, and William Murdoch, are banished; and John Denholm banished to Tangier, for resetting some of the former one night in his house. And William and James Welsh in Irongray, whose names are wrongously insert in the proclamation, May 9th last, compearing before the council, and declaring they were not at Pentland, are allowed to purge themselves, by signing the bond of peace, and dismissed. So much may serve for the treatment this year, of those in the late rising. Let me now come forward to take some view of the severities used against conventicles, and the keepers of them this year. 1668.

Field conventicles were at this time very rare; but presbyterian ministers adventured to preach to large meetings in houses and barns, upon the repeated and importunate calls of the people, who had fallen off from the incumbents, because of their

public peace of the kingdom, as is therein appointed. And yet notwithstanding of our gracious pleasure timously intimate, many of the said rebels continue yet so desperate and wicked, that they have refused, within the time limited, to make their appearance: whereby they have justly forfeited the benefit of our gracious offer, and deserve to be proceeded against with all rigour, till they be brought to condign punishment. Therefore, we, with advice of the lords of our privy council, command and require all sheriffs of sheriffdoms, stewards of stewartries, magistrates of royal burghs, bailies of regalities and baronies, and all others our ministers of justice, and officers of our standing forces, as they will be answerable to us upon their allegiance and duty, immediately after notice hereof, to seize upon, and apprehend the persons of the rebels underwritten, viz:—

In Carsfairn parish.

Nathanael Cannon in Formaton,
James Macmitchel in Knockinreoch,
John Macmillan in Strong-gashel,
Robert Macmillan in Kiltarsen,
William Macmillan in Bradinoch,
James Mackilney in Polmidow,
John Logan in Loch-head,
John Crawford in Drumjoan,
John Cunningham in Longford,
—— Macadam in Waterhead,
John Hannah there,
George Macadam in Bow,
John Macmillan younger in Brockloch,
George Fergusson in Woodhead,
David Cubbison in Moss,
James Macadam in Knockgray,
Alexander Macmillan in Bank,
William Smith at Bridge of Geuch,
John Wylie in Smiton,
Roger Macolm in Netherholm,
Robert Macolm in Netherglen.

In Dalry parish.

David Cannon brother to Morgrie,
Edward Crichton in Knocksting,
James Fergusson in Trostan,
Robert Crichton in Fingland,
Andrew Crichton there,
John Machutcheon in Clachan of Dalry,
James Welsh his brother,
John Welsh in Skeoch,
Robert Wallat in Scar,
Herbert Biggar son to Herbert Biggar of Barbuie,
Thomas Smith son to James Smith of Drumklyre,
Robert Sinclair son to Robert Sinclair in Lag,
William Welsh in Ingliston,
James Biggar in Margloby,
John Currier in Newark,
Robert Currier in Dalquhairn,
David Currier in Ruchtree,
Robert Colvin in Ingliston,
John Hunter in Barneleugh,
John Wallat in Holhill,
John Welsh in Knachston,
John Wright in Larbreck,
John Whitehead in Cludden,
James Macbirnie in Crobmor,
John Wilson in Traquair,
Andrew Haining servant to John Neilson of Corsack,
John Gaw son to Robert Gaw in Airnerogoe.

In the shire of Dumfries.

John Kirko of Sundywell,
James Callan glover in Dumfries,
James Grier in Shankstell in Glencairn parish,
John Grierson in Auchinshine there,
John Law there,
William Harvey younger there,
George Wilson there,
John Gilkerson there,
James Aiton there,
Thomas Robertson there,
Matthew Hamilton there,
Thomas Brown there,
John and George Jacks there,
Robert Rae there,
Patrick Murray there,
Robert Davidson there.

In the parish of Lanark.

John Wilson there,
Thomas and James Hasties there,
James Fisher there.

In the parish of Carluke.

William Loch there,
William Gilkerson there,
William Frame there,
Archibald, Robert, and Gabriel Forrests there,
Thomas Martin there,
John Scoullar there,
James Armstrong there,
William King there,
John Gilkerson there,
Archibald Hart there,
Robert Smith there,
William Brown.

1668. share in the severities and oppressions of the former years. As yet, unless in some places, where circumstances forced to the open fields, it was rare to preach out of a house. I shall cast together here, what I find this year done anent conventicles, and such as frequented them, leaving the treatment of the ministers to the next article.

May 7th, I find, the council having called, and convened before them, —— Miller of Waxford, for being lately at a conventicle in the shire of Ayr, which he confessed, fine him in three hundred merks, to be paid presently; and they oblige him to give bond, under penalty of one thousand pounds Scots, that neither he nor his family, shall, in time coming, be present at conventicles. The three hundred merks are ordered to be given to Henderson a wounded soldier.

The same day, the council being informed of several conventicles kept in several places, appoint any of their number to give out warrants for seizing, apprehending, and committing to prison, all outed ministers, or others who shall keep conventicles, or other unlawful convocations and meetings, or to give warrant to a messenger to cite them to such diets of the council, as they think fit. To favour this design of suppressing these meetings for divine worship, by such as could not in conscience join with the curates, May 9th, instructions are given to the forces. "The earl of Linlithgow, commander-in-chief for the time, is allowed to change the quarters of the soldiers, as he finds meet. All the officers and soldiers are warranted to seize upon and apprehend all outed ministers, who have kept conventicles, or preached at them, to dissipate all conventicles, and seize upon the minister, and such of the principal persons at the meeting, as they can catch, and carry them to the next prison, especially such as have weapons. They are empowered to seize [illegible] have a warrant from a privy counsellor to apprehend, either as rebels, or conventicle keepers." In short, they are to observe the orders given November 15th, 1667. Accordingly, upon the 4th of June, the council approve the following disposition of some of the troops: a company of foot to lie at Dumfries; a company of foot, with fifteen horse, at Strathaven in Clydesdale; forty troopers at Kilsyth; two companies of foot, and fifteen horse, at Glasgow; a company of foot at Dalmellington, and another at Cumnock in the shire of Ayr.

Besides this parcelling out of the forces where they were most afraid of conventicles, upon informations of the keeping of them, commissions are given out to examine who had been at them. So upon the same day the council grant warrant to two gentlemen, to make enquiry who were at the conventicles in Fife, in the town of Anstruther, and at Largo: and upon this trial, July 16th, council letters are directed out against four persons in Largo and the neighbourhood, for being present at them.

At the desire of the prelates, who this year are mightily keen against conventicles, the king writes in the forecited letter, dated July 23d, after he hath remitted the rebels to the council's pleasure, thus: "but we do specially recommend it to your care to rid the kingdom of such seditious preachers, or pretended ministers as have kept conventicles, or gathered people to the fields, since January last; for we look on such as the greatest disturbers of the peace, and perverters of the people." That they were so represented to his majesty I believe: but the king had not better subjects in the kingdom, and there was nothing but peaceable carriage at such meetings, and the gospel of peace purely and faithfully preached, and the king prayed for. Indeed the orders given above, to dissipate those meetings, obliged some to defend themselves when attacked, and the gospel preached to them; but there were not many scuffles this way as yet.

Another method, peculiar to towns, used at this time against conventicles, was, to oblige the magistrates of burghs, to give bond to the council to pay such a sum if a conventicle were held within their jurisdiction: and ordinarily they had their relief off the persons they should find out to have been at it. Accordingly the magistrates of Edinburgh, July 29th, give bond to the

council to this effect; which I have insert,* and for some time, I find yearly it is renewed by every set of new magistrates. Notwithstanding of all these efforts, conventicles grew on the prelates' hands, in a proportion to their and their underlings being disliked for their oppression and severities; and the outed ministers wanted not their sufferings this year, which brings me to give some taste of their treatment. Upon the last of January, the council by their act ordain the magistrates of Edinburgh, to execute the act and proclamation, dated November 1664, against the outed ministers; and to take special care that none be permitted to stay within their liberties, but such as have a license from the council, archbishop of St Andrews, or bishop of Edinburgh; and requiring them to take special notice, that there be no conventicles kept in the city, or liberties thereof. The hardships of this act have been noticed formerly.

But to come to particular persons' sufferings, I may well begin with the reverend Mr Michael Bruce. This worthy, useful, and affectionate preacher, had been some years ago forced out of Ireland, where his charge and relations were. Being a person of great boldness, and much love to souls, he adventured to preach to great meetings in houses, and sometimes in the fields likewise. He ventured into several places of the nation, where few other presbyterian ministers had preached to any numbers for some years. About the 2d or 3rd of June, captain G. Erskine in Stirling Castle, having orders from some counsellors, apprehends Mr Bruce in his own hired house, not far distant. When, to his great surprise, he found the house beset with armed men, according to his usual courage and briskness, he endeavoured to escape; but was sore wounded by the soldiers, and taken, and brought prisoner to the Castle of Stirling. No care was taken of his wounds, and he lost a vast deal of blood. Notice of this prize is sent into Edinburgh, and, June 4th, the council have this resolve about him. "The lords being informed, that Mr Michael Bruce, pretended minister, is apprehended, who for these several years bypast, has made it his work to abuse people, and in contempt of the laws, presumed to keep frequent conventicles, preach, baptize, and administrate the sacraments, without any lawful warrant, and made prisoner in Stirling Castle, they order him to be kept close prisoner, and no person have access but physicians and surgeons." Further, they appoint the sheriff of Stirling, and one of the justice-deputes, to examine him, how it came, when he was apprehended by authority, he assaulted, and dangerously wounded —— a soldier of the party, employed for that effect, and report. 1668.

It was the 18th of June before Mr Bruce was so far recovered, as he could be carried into Edinburgh; and, when put in close prison there, the council order, that nobody

* *Bond by the town of Edinburgh, against conventicles, July 29th, 1668.*

We, Sir Andrew Ramsay of Abbotshall, lord provost of the city of Edinburgh, George Reid, John Fullarton, James Currie, and John Lyon, bailies of the said city, Francis Kinloch dean of guild, and Andrew Cheyn treasurer thereof, bind and oblige ourselves, conjunctly and severally, that, during the time we are in trust and office, no person or persons who were in the rebellion 1666, or who are forfeited, or declared fugitives, shall at any time hereafter be lodged, harboured, or reset within the said city of Edinburgh, Canongate, Potter-row, Pleasants, West-port, or Leith, under the pain of one hundred pounds sterling; and that none of the said rebels, who hereafter shall be forfeited or declared fugitives, shall be harboured, or reset, or lodged within these said bounds, after they shall be declared fugitive, as said is, under the pain of one hundred pounds sterling: also, that none of the other rebels contained in the proclamation, dated May 9th, 1668, concerning such as have not accepted his majesty's gracious indemnity, shall be reset as foresaid, under the *pains of fifty pounds sterling.* As likewise, that no private meetings or conventicles, under pretence of, or for religious worship, shall be kept within the said city, or bounds foresaid, under the pain of fifty pounds sterling. Which penalties we bind and oblige ourselves, conjunctly and severally, to make payment of to the commissioners of his majesty's treasury, or treasurer-depute, as they shall happen to be for the time, to be by them disposed upon as they shall think fit; providing that we shall only be liable to pay the said penalties, for such deeds of controvention as shall be committed during our office, for which we shall be pursued, and decreets recovered against us, within year and day after the committing the offence. Consenting, &c. in common form.

1668. have access to speak with him, except in presence of a privy counsellor, or one of the magistrates of Edinburgh. When he was examined in the tolbooth, he was most candid and free in his confession, refusing to answer nothing put to him. From this confession the king's advocate forms a libel against him. As soon as he was able to come before the council, upon July 2d, he appears, and when his libel is read, he owned his preaching and baptizing in houses and the fields, and defended his practice, as being agreeable to the powers he had received from another and higher court. The sentence the council pass, is as follows. "The council find Mr Michael Bruce guilty of sedition, faction, and disturbance of the peace of this kingdom, and contravening the acts of parliament and council; and therefore ordain the said Mr Michael Bruce to be banished and sent away out of his majesty's dominions of Scotland, England and Ireland, and to discharge him to return upon pain of death." His bond signed in the council registers is; —"I Mr Michael Bruce bind, oblige, and enact myself in the books of privy council, that, in obedience to an act and sentence of banishment pronounced and given against me this day, I shall never return to any of his majesty's dominions in Scotland, England or Ireland, under pain of death to be inflicted without mercy, in case I shall happen to contravene: consenting thir presents be registered in books of council; and constitute Patrick Frazer advocate, my procurator. In witness whereof, I have subscribed those presents, in presence of the lords of council, at Edinburgh, July 2d, 1668.

"M. BRUCE.

"ROTHES, Chanc. I. P. D."

When he is about to remove off the kingdom, the 14th of July a letter comes from the king to the council, signifying he was pleased with their procedure against Mr Bruce, and ordered him to be sent prisoner by sea to London, with the first conveniency: and, September 13th, he is ordered to be put into a ship going to London. Whether this was owing to an application from the bishops in Ireland, who had a particular spite against him, or to some other cause, I know not. But when he came up to London, he was immediately sent to the Gatehouse. After he had remained some time there, he was sentenced to go to Tangier in Africa. I have no distinct account whether he underwent any trial at London, or how his sentence came to be altered. It appears odd enough to overturn a sentence passed by the council of Scotland, or to judge a Scotsman, for crimes committed in Scotland, at London, after the affair had been judged at home. I hear this good and pious man with great difficulty obtained a connivance, and retired to Ireland.

This account hath run out already so far, that I must be brief on the sufferings of some other of the outed ministers this year. Mr Alexander Smith, we heard, was ordered to be brought from Zetland last year; and being come to Burntisland, upon the 9th of July, the magistrates of Edinburgh are ordered by the council, to receive him, and commit him close prisoner in the tolbooth. What his examination and deportment was there, I know not; but July 23rd, I see him ordered to be transported to Orkney, and sheriff Blair in Orkney is appointed to receive him; and Mr Smith required to confine himself to the island of North Ronaldshay. Mr Andrew Morton minister at Carmunock was imprisoned about this time; but I shall bring in all his sufferings afterwards.

The bishop of Murray having sent in an information to the council, against Mr Thomas Hogg minister at Kiltairn, Mr Thomas Urquhart minister at ———, Mr John M'Killigen minister at Alves, for preaching at their own houses, and keeping conventicles in Murray: the council grant commission, July 30th, to the earl of Murray and lord Duffus, to apprehend and incarcerate them in Forres, where they continued some time, till the earl of Tweeddale procured an order to liberate them, upon giving bail to appear when called. Some of their sufferings will come in afterwards at more length.

Mr John Wilkie, sometime minister at Twynham in the south, had come into Edinburgh for his health, and was scarce

able to remove out of it, through age and infirmity. Toward the end of July he is imprisoned, and from prison first brought before a committee of the council, and next before the council, July 29th. What passed at both I thought deserved a room in his own plain and homely style, from an original, signed by him, in my hand, as what will give the reader a native view of the methods used with these good men, by the managers, and their ingenuous carriage.* They confine him to the town of Cupar in Angus, to which he was not able to travel, and so continued in prison some time. I find him, September 13th, petitioning the council, that his confinement may be altered to Moffat, and ten miles about for his health's sake. They grant his desire, and confine him as above, under the penalty of five hundred merks: and, November 12th, when the use of the waters at Moffat are over, his confinement is altered from that to Musselburgh. 1668.

Upon information given to the council

* *Mr John Wilkie's examination before the council, July 28th, 1668.*

I was interrogated by my lord advocate, What is your name, sir? I answered, My lord, my name is Mr John Wilkie. Q. Where were you minister? A. In the parish of Twynam, in the presbytery of Kirkcudbright. Q. What is your wife's name? A. Anna Rae, daughter to Mr Adam Rae, minister at Halywood. Q. What countrywoman is she? A. A Nithsdale woman. Q. How long since you came to Edinburgh? A. Two years bygone in April. Q. What brought you here? A. To consult the doctors anent my health, with whom I have been drogging and dressing ever since I came here. Q. But how could you come to Edinburgh, express contrary to the law, without liberty obtained? to which I answered nothing, but waved the question, and cast in another discourse. My lord advocate asked me, if I knew who shot the bishop? I answered I knew not, and did presently depone upon oath, that I neither shot him, nor knew who shot him. He asked me, if I knew any of these west country rebels, especially major Learmont, Barscob, Mardrogate, young Murrieff, Barmagachan, Mr John Welsh, Cownley. I answered, I know them all, for they were my old acquaintances. Then he asked, if I had seen them since the fight? I answered, I had seen them all; for being my acquaintances, they came to visit me on my supposed deathbed. He asked, if I knew where Learmont did now quarter? A. I knew not at all. Q. Where Barmagachan is now? A. I suppose he be not in Scotland. Q. Do you know the proper name of one that goes under the name of James Small? A. I am not much acquaint with the man; but seeing your lordship urgeth me, I think the business is not *tanti* as to conceal it, for ought I know his name is Mr James Mitchell. Q. Is he a minister? A. I allege not. Q. What age is he of? A. I never inquired. Q. What colour of hair hath he? A. It is hard to know, seeing ye all wear periwigs. Q. What colour is his periwig? A. I think it may be the colour of that (pointing at Hugh Stevenson's, sub-clerk). Q. Do you keep conventicles? A. I am not able, by reason of sore and long continued sickness; but I use, when I have health, to exercise in my own family both Sabbath and week-day. Q. What time take you on the Sabbath? A. Betwixt sermons, beginning at half twelve, and continuing so long as I am able. Q. Admit you any to your family-exercise? A. I invite none, I debar none. Q. It seems you are clear to admit any that come? A. Yes, my lord, you should be welcome, and the archbishop of St. Andrews should not be debarred. Q. Goodsooth, Mr Wilkie, you would go four miles about, in that case, to visit a friend. A. No, my lord, I would find him within less than half a mile. Your lordship remembers of a story betwixt my lord Scone, and an honest old minister, who alleged that in every text he found my lord Scone. Upon this I fell a little faint and weary with standing, and they caused set in a seat to me, where I sat and discoursed with them as follows: Q. What I heard concerning him that shot the bishop? A. My lord, for me to bring what clatters I hear before this honourable court, were not fair, neither can they bear any weight in judgment. Q. But, Mr Wilkie, tell us what you hear? A. My lord, seeing you urge me, I will tell you what I hear. 1. Some think it to be a Jesuitical prank. 2. Some think it to be out of private revenge, a gentleman in Orkney being wronged by his bishop. 3. Some say that it is some of the west country men. 4. Some allege that it is done by some of their own emissaries. The advocate being astonished, began to fain himself; Could any of themselves attempt the like against themselves? A. These who are of that judgment think that it is done to obstruct a greater good intended. The provost of Edinburgh, (I knew him not then) till I asked him if he was provost of Edinburgh, which he answered he was for want of a better, desired my lord advocate to urge me in that, What I meant by the obstructing of a better work? A. Your lordship, who sits upon these cabinet councils, knows better than I do. Q. But, Mr John, I pray you be free, and tell what it is? A. My lord, frae you will have me to tell you it, there were, and yet are great rumours that we who are old ministers should all have our mouths opened, and liberty to preach where we get a call. To which there was not one word replied. My lord advocate urged me again that I should admit none to my family-exercise, but the members of the family. To which I answered as formerly, That I invited none, and I would debar none, using an argument *ad hominem*: my lord, would you think it fair, if your lordship, being of my acquaintance, came to make a visit at the nick of time of family-worship, if my servant should keep you at the door, saying, My lord, you must not come here, we are at the worship

1668. against Mr Donald Cargill, I find, November 23d, the following act against him:—"Whereas Mr Donald Cargil was confined benorth Tay, October 1st, 1662, and that under the pain of sedition; and yet he hath repaired to the city of Edinburgh, and other places at his pleasure, in high and proud contempt of authority

of God; surely, my lord, you would not take it well: and more, my lord, I am still bound to preach when called, and able for that work, under the hazard of that, Wo is unto me, if I preach not the gospel. Then my lord advocate urged me, In what families I used to exercise? I answered, My long and sore sickness made me incapable of going abroad; and, to the best of my knowledge, since October last, I supped not save twice out of mine own house, where indeed I made the fashion of family-exercise. Q. What were these two houses? A. My lord, it were both impertinent and imprudent in me to tell this honourable court, who invites me to dine or sup with them; and so your lordship must pardon me, for I cannot in discretion tell: but if your lordship should urge me to tell, you will not gain any thing; for I know no law as yet discharging the service of the living God. The advocate answered, You need not tell us that, for we know it is true. The business coming to this close, the advocate desired me to have my surety ready against ten o'clock to-morrow, to find bonds to present myself before the council, when called, because I was a sick man, and not fit for the prison; and so I took my leave. My lord advocate requested the good-man of the tolbooth to grant me a chamber in his house; but he said his house was all taken up, so I was carried back to prison. July 29th, I was arraigned before the secret council, and made to stand without the bar at a great distance, where (by reason of my shortness of sight) I could not well discern any of their faces so as to know them. At the first my lord chancellor charged me with laughing. I answered, My lord, I marvel your honour should charge me with laughing; for I am even now as sick as I am able to stand on my feet. After this, he makes an historical narration of what had passed betwixt the committee and me; that I had confessed my coming to Edinburgh contrary to the law; that I had conversed with these west country rebels; that I exercised in my family, and admitted all that came. I granted all that to be true, and that I had satisfied the committee, in reason, as to every particular. *Chanc.* But, Mr Wilkie, you stick at one particular, you will not declare what these two families were wherein you supped? A. My lord, I think it not prudent to tell. *Chanc.* What, Sir, are you beginning to teach the council prudence? A. No, my lord, I am only studying how to carry prudently before the council. *Chanc.* But, Sir, you must tell what these two families are? A. I cannot [illegible]; would your lordship, being of my acquaintance, think it fair play, if your honour had invited me to dine with you yesterday, that I should come in and tell his majesty's secret council the morn. *Chanc.* Nay, Mr Wilkie, you mistake the business, it is not where you have dined or supped, but what you did there as to the point of exercise? A. My lord, I entreat forbearance in that point for your lordship will find nothing in it. *Chanc.* Nay, but you must declare it, and that upon oath. A. Lest your lordship think that there is some mystery in the matter, I will declare, and you shall gain nothing. *Chanc.* Clerk, go to the bar, and administer the oath. The oath being administered, the chancellor began to exhort me to remember I was upon my oath. I told his lordship I did remember very well, and I should swear nothing but the truth. *Chanc.* What were these two houses? A. One of them is a friend called John Gibson, with whom I supped not long since. *Chanc.* What did you there? A. I took my supper, blessed the table, gave thanks, sang, read, noted, and prayed. *Chanc.* Who was there present? A. Not one soul save the members of the family. *Chanc.* What was the other family? A. My lord, you will gain as little of it, and therefore forbear. *Chanc.* But you must tell, you are now upon oath. A. It was, my lord, Sabbath last, in one Mrs George's house, who hath some relations of mine breeding at school. *Chanc.* What did you there? A. I took my supper as I could, gave thanks, sang, read, and essayed to note, but fell sick, and so was forced to cut short. *Chanc.* Who was there? A. If there was any there but the family, is more than I know; for I was never there before, and was never there since. *Chanc.* But what number would have been there? A. I think there would have been about eight or nine persons. Upon this I grew weary with standing, and told my lord chancellor that I was very sick, and requested the honourable council that I might be quickly despatched; which was yielded to at the first, and I was removed to an outer room. Having passed an interlocutor upon me, I am called in; and, after recapitulation of all my alleged crimes, together with a harangue of the council's clemency and gentleness towards me, notwithstanding of my great offence, I am sentenced to confine myself to Cupar of Angus, within ten days after my liberation out of prison. The sentence is read, and I presently commanded to subscribe. I answered, My lord, no man is bound to subscribe to impossibilities; for where Cupar of Angus is I know not; but well I know that this last summer I rode to Moffat-well, with no less than the hazard of my life; and for the present I am neither able to sit on horse, or walk on foot. *Chanc.* Sir, I perceive you love to live in Edinburgh. A. My lord, your honour is quite mistaken, it is all one to me where I live, whether in prison or at liberty; for at liberty I am sick, and in prison I will be but sick. *Chanc.* Mr Wilkie, your business stands at this, you will not engage to forbear preaching. A. My lord, offer nothing to me that may lay the least tash upon my ministry; for do with me what you please, in the strength of the Lord I will never yield: I satisfied the committee yesterday in that; but, my lord, I have somewhat that supports me, that every one knows not. "Herein do I exercise myself, always to have a conscience void of offence both towards God, and also towards man." So taking my leave of the council, refusing to subscribe my sentence I am committed again to prison,

ordains the said Donald Cargill, by open proclamation at the cross of Edinburgh and Forfar, to be cited to appear before the council the 11th of January next, otherwise he shall be denounced *simpliciter*." I have reason to think this was an information purely from malice. He is not charged with preaching, but only with coming to Edinburgh, and other places, after a confinement more than six years ago, and many acts of grace and indemnity. When he appears, next January, before the council, and is heard in his own vindication, he is dismissed, and only appointed to bide in his confinement.

Notwithstanding of these hardships upon presbyterian ministers in Scotland, the king this year allowed some breathing to the nonconformists in England. I am told he did Mr Bates, Mr Baxter, and some other presbyterian ministers there, the honour of allowing them to wait upon him; and signified to them, that he knew of their meetings, which were not according to law, and designed to allow them more liberty, provided they carried peaceably. It is said, he was pleased to add, "That he had been too long a king of a party, and now he resolved to be king of all his subjects." Several meeting-houses were about this time built at London. Yea, in June or July this year, the earl of Tweeddale called for some of the presbyterian ministers, who were under their hidings, and made proposals to them anent some favour and indulgence he hoped might be procured for them in Scotland. The news were very welcome, and some conversation and proposals passed betwixt them on this subject. But an unhappy incident stopped all for some time, the attempt made by Mr James Mitchell upon two of the bishops, July 11th this year; which, as it was his personal deed, without concert or approbation from presbyterians, it opened the door to a severe treatment of some very worthy persons not at all concerned in it. I shall give a deduction of it from what I find in the council records, and other papers of this time, and some other notices anent it will offer themselves when he is taken, and his process comes to be accounted for ten years after this. 1668.

Mr James Mitchell was a preacher of the gospel, and a youth of much zeal and piety; but perhaps had not these opportunities for learning and conversation, which would have been useful to him. I find Mr Trail, minister at Edinburgh, in the year 1661, recommending him to some ministers in Galloway, as a good youth, that had not much to subsist upon, and as fit for a school, or teaching gentlemen's children. He was at Pentland, and is excepted from the indemnity, and in all the three lists we have seen above. From what motives I say not, he takes on a resolution to kill the archbishop of St Andrews: and, upon the 11th of July, he waits the bishop coming down in the afternoon to his coach, at the head of the Blackfriar Wynd in Edinburgh; and with him was Mr Honeyman bishop of Orkney. When the arch-

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where I am continued for the space of forty days. All the premises I assert to be of truth, and that nothing (to the best of my memory) passed betwixt the committee and me, or the honourable council and me, but what is here recorded; as witness my hand. at Moffat, the place of my confinement, October 28th, 1668.

JOHN WILKIE.

Only this passed betwixt the council and me. My lord chancellor, when he was speaking to me as to the point of preaching, alleged that I was (for what he saw) clear to preach in a kirk. I answered, Why not, my lord, I am still a minister, and who has exauctorated me? *Chanc.* Then I see you are clear to preach upon a call. A. Yes, my lord, if the call have a cleanly rise. *Chanc.* Mark that, a cleanly rise! but what call you a cleanly call for a minister? A. My lord, you know it well enough, why do you ask me? Q. I pray you tell us? A. My lord, I make the supposition, if your honour invited me to preach in one of your kirks, I being able and qualified for the work, how durst I in conscience refuse, under the pain of that wo, "Wo is unto me if I preach not the Gospel!" What then should hinder me to preach in a kirk? Nay, more, my lord, I was this summer at Moffat-well, and the chield that is there is run away from them for debt (as I hear), and the place in a manner vacant, if these in power in that place, had had courage to have given me a call, I would have taken my [illegible] preached. To which there was not one word replied. I testify this also to be of truth; as witness my hand, day, year, and place foresaid.

JOHN WILKIE.

When I took my leave of the committee, I entered this protestation, that no man should follow my footsteps; for I had laid a bad preparative in answering to questions, whereas I should have had an indictment, and time competent to have answered the same.

1668. bishop had entered the coach, and taken his seat, Mr Mitchell steps straight to the north side of the coach, and discharges a loaden pistol in at the door of the coach. The moment the pistol is discharged, Honeyman sets his foot in the boot of the coach, and when reaching up his hand to step in, received the shot, designed for Mr Sharp, in the wrist, and so the primate escaped at this time.* Upon this Mr Mitchell crossed the street with much composure, till he comes to Niddry's Wynd head, where a man offers to stop him, and he presented a pistol to him, upon which the other let him go. He stepped down the wynd, and going up Steven Law's Close, went into a house, and changed his clothes, and came straight confidently to the street, as being the place where indeed he would be least suspected. The cry arose, a man was killed; and some rogues answered, it was but a bishop, and all was calmed very soon. The two bishops made all the haste they could to the house where they had been.

Upon Monday, July, 13th, the council met upon this affair, and issue out a proclamation which is printed, "Anent the villanous attempt upon the bishops of St Andrews and Orkney, upon the 11th instant." Five thousand merks are offered to the discoverer, and pardon to accessories. They write likewise a letter to the king, acquainting him with this matter, and their account is as follows:—"Saturday last in the evening, as the archbishop of St Andrews and the bishop of Orkney were going abroad, the archbishop being in his coach, and the other stepping up, a wicked fellow standing behind the coach, did shoot the bishop of Orkney beneath his right hand, broke his left arm, a little above the wrist, with five balls, and immediately crossing the street, went down a lane, and escaped; there being no person near at the time, but those who were so taken up about the bishop of Orkney, that they could not observe the person, or whither he went. That night all possible search was made in and about the town, and this day a proclamation is issued out, sent herewith." Further, that same day the magistrates of Edinburgh are ordered to search the town and suburbs for all persons in the late rebellion, or who cannot give an account of themselves; and to shut all the ports of the town, except the Netherbow, where one of the bailies is to stand, and let out none but whom he knows; and an hundred soldiers are ordered to assist the magistrates. A very narrow search was made for the aggressor upon the bishops, and it was a wonder great numbers were not seized.

The town being the place of greatest resort, and where people could lurk best, was at present full of Whigs and such who had been concerned in Pentland, and many of them escaped very narrowly. One instance I cannot but give of Maxwell of Monrief, excepted, as we have seen, out of the indemnity, and a gentleman of one of the best estates of that party not already forfeited. He had no place in town he could flee to, but came in to Moffat his stabler's house, and begged his landlord to hide him. Moffat told him very coldly, he had no place to put him in, and very indifferently pointed to a large empty meal tub, standing in a public drinking room, adding if he pleased, he should cover him with it. No other present shift offering, it was done; and, in a few minutes, the constable and his men came in to search the house, and were soon satisfied, expecting no prey there. They sat down in that very room with the meal barrel at the end of their table, and called for some ale. While sitting they fell a talking of the unsuccess-

* Honeyman, like Sharp, had been originally a very violent presbyterian, but like him, had, for the sake of preferment, violated his conscience, and was a cruel persecutor of all who refused to follow his example. The above accident, however, was fatal to him; the wound could never be healed, and in a few years after was the cause of his death. Sharp, though he thus escaped at the time, was greatly alarmed, and probably lived ever after this in daily and nightly terror. Bishop Burnet, who, though he hated the man, had some respect for the archbishop, and called on him for the purpose of congratulating him on his escape, informs us, that "he was much touched with it, and put on a show of devotion upon it. He said, with a very serious look, 'My times are wholly in thy hand, O thou God of my life!' "This," he adds, "was the single expression savouring of piety that ever fell from him in all the conversations that passed between him and me."—Burnet's History of his Own Times, vol. i. p. 408.—*Ed.*

fulness of their search. One of them says, I am sure there are many Whigs in town: another of them rapped violently on the head of the tub under which Monrief was, swearing, It may be there is one under that; and so it passed as a jest, and they were permitted to do no more. Quickly they left the room, and fall to their work in other houses, and the gentleman came out, having tasted of the bitterness of death almost.

Mr Mitchell passes at this time undiscovered, till some years after, when we shall meet with him again. His attempt was known to nobody but himself. People could not but observe the righteousness of Providence in disabling bishop Honeyman's hand, which was noways designed by Mr Mitchell. It was well remembered that Mr Andrew Honeyman, in the years 1660 and 1661, set up most zealously for presbyterian government; and being a man of good parts, was employed by the presbytery of St Andrews, to draw up a testimony for presbyterian government, when it was about to be overturned. The draught was extremely liked by Mr Robert Douglas, Mr George Hutchison, and others, to whom it was communicated. He professed to be zealous against prelacy, to a very great height; and, in his sermons, preached with a great deal of warmth against the introducing of bishops. I am told in the abundance of his zeal, one day, he had this expression to his hearers, "That if ever he spoke or acted contrary to what he now taught them, he should be content to be reckoned a man of a prostitute conscience." He met with his bodings, and indeed was accounted of according to his own rule. Mr Sharp debauched him with the temptation of a bishopric; and he was the first, and almost the only man of them, who drew his pen in the vindication of the present constitution in the church; and people could not but remark, that that person, who wrote against the truth he once so vehemently espoused, had a mark set upon him instead of his debaucher, and without any design in the actor. It was loudly talked, that some years after this, he met with yet harsher treatment, from a more dreadful quarter, when he died at his house in Orkney. But this unhappy affair brought several persons to a great deal of trouble, and was most unjustly charged upon the body of presbyterians. It gave a loose to the cruelty of the bishops, and the advocate. It must be owned, they had a very considerable provocation given to their passions; and at this rate nobody can be safe: but then the measures they took were hard, and mixed with a disingenuous cunning, unworthy of judges. 1668.

A few days after this attempt upon the bishops, an occasion of much trouble to three good people falls out; which was this. A scuffle falls in between a servant-woman of no good fame, and her mistress, wife to Robert Gray, merchant in Edinburgh. The servant, to be completely revenged upon her mistress, quits her service, and goes straight to bishop Sharp, and assures him she can give account of several houses where the Whigs used to haunt, and make some discoveries anent the person who made the late attempt upon him. The bishop made her very welcome, gave her money in abundance, and provided for her security. It was said the primate gave likewise very liberally to the advocate Sir John Nisbet, that he might be hearty in the pursuit; and it is certain Sir John showed an extraordinary eagerness in this matter, to that pitch, that his friend Sir Archibald Primrose roundly told him, "He would not give over till he brought the fury of the enraged people on himself instead of the bishops." Robert Gray is brought before a committee of council, on this information, and strictly examined, Whether any Whigs used (to lodge) in his house? Mr Gray suspecting the spring of their information, and knowing there would be proofs of it, acknowledged, That upon such a day, his cousin major Learmont, one Welsh, and Mrs Duncan a minister's widow, had dined with him. So much he conjectured his servant had told them. He was further interrogated, Whether he knew of the assassin of the bishops? This he peremptorily denied. The advocate urged him to swear upon his declaration. This he flatly refused, as contrary to all reason and law, that a person should swear in such a case as this. When the king's

1668. advocate, finds him positive, he steps forward to him; and, after some pretended frankness and familiarity in further dealing with him, he takes his ring from off his hand, telling him he had use for it; and, within a little, sends it with a messenger of his own to Mrs Gray, ordering the bearer to acquaint her, that her husband had discovered all he knew as to the Whigs, and the ring was sent her as a token that she might do the same; and so she is brought before the committee. Upon this the poor woman discovers more than her husband had done, and acquaints them with some houses where the suffering people used to haunt; particularly Mrs Kello, a rich widow, where Mr John Welsh sometimes lodged and preached; the foresaid Mrs Duncan, and John Crawford messenger, who had notice given him, and got off. But his wife, and the other two were presently seized, and put in prison. When Mr Gray got notice how his wife had been abused with his ring, and what followed thereupon, he took it most heavily, sickened, and in a few days died, leaving his death upon this way of treating him.

July 22d, I find Anna Kerr, relict of Mr James Duncan, before the council. She is interrogated upon her knowledge, Who were the actors in the late attempt upon the two bishops, and her harbouring and converse with rebels? Mrs Duncan refused to answer upon oath, declared she knew not the assassins, and would not accuse herself. The council give her assurances, that whatever she declared thereanent, shall never be used against her, either in judgment, or outwith the same; and they promise to indemnify her for any accession she had to the said attempt, or harbouring any of the rebels, providing she declare ingenuously, and discover upon oath what she knows. She continued fixed that she would not give her oath. The lords caused bring in the boots before her, and gave her to five of the clock to think upon it, assuring her, if she would not give her oath in the premises, she was to be tortured. In the afternoon, Mrs Duncan continued firm to her purpose, and had certainly been put to torture, had not Rothes interposed, and told the council, "It was not proper for gentlewomen to wear boots."

Upon the 29th of July, Margaret Dury relict of Mr James Kello merchant in Edinburgh is before the council, and refusing to give oath, as above, is fined in five thousand merks, and banished to the plantations. Mrs Duncan had nothing, and so escaped the fine; but, the same day, is likewise banished to the plantations: and to-morrow, Janet Chalmers, spouse to John Crawford messenger, upon her refusal as above, is likewise banished with the other two. They lay in prison a long time: Mrs Duncan, with two young infants, continued there five or six months: Mrs Kello, having confessed Mr Welsh had preached in her house, was fined as above, and continued in prison a long time; and it was with no small difficulty they were at length liberated, after Mrs Kello had paid much of her fine.

Another act of cruelty following upon this attempt, was the occasion of the death of that good man Mr James Gilon minister at Cavers, whose blood is justly chargeable on the authors of this harsh treatment. Mr Gilon being turned out of his church at the entry of prelacy, had now for some time lurked at Edinburgh, and being tender, he had gone out to Currie, within a few miles of the town for the recovery of his health. A party of soldiers went out, and, upon pretext of searching for the aggressors upon the bishops, seized him, and made him run almost all the way before them, for four miles, to the West-port of Edinburgh, in the middle of the night. When thus driven, literally like a sheep to the slaughter, he was made to stand some hours before the port could be opened. To-morrow when he was brought before the council, he was known, and dismissed to his chamber: but this barbarous usage disordered him so much, that he sickened, and being indisposed before, died within forty-eight hours.

In July and August, the council are much taken up about the militia, who are modelled and raised through the whole kingdom. This was alleged to be necessary because there was no standing army, albeit

we were at this time in peace with all our neighbours. Agreeably to the scheme in the acts of parliament, two and twenty thousand horse and foot were modelled in the several shires: but so jealous were the managers of the west country, that they allowed no foot to be armed in the five western shires. This unnecessary raising of the militia, was a very heavy tax upon many of the smaller heritors. Such a proportion of land was burdened with the putting out of a horse and a man at the muster, and the laird or lord, who did no more but send his groom and his horse the day of muster, escaped free. Yea, the smaller heritors were taxed to maintain the laird's horse, as if he had been appropriated to the service, and he paid not a farthing.

What was the occasion of the alarm, I cannot tell; but, upon August 12th, I find what follows in the council registers. "The council understanding, that some of the late rebels are drawing together, of intention to disturb and embroil the peace, grant power to the earl of Linlithgow to draw the forces together, and dissipate them, and order all where he comes to assist him." Whether this was made a project to favour the raising of money for the militia, or to pave the way for more standing troops, I cannot say; but I can find nothing like any stir among the presbyterians at this time. However, lieutenant Mungo Murray is ordered, September 3d, to search with sixty horse, in the heads of Kyle and Nithsdale, and apprehend any of the rebels rising in arms. Another party, under William Cockburn, is sent to search in the Glenkenns in Galloway.

Perhaps it was in one of the searches about this time, that Robert Cannon of Mandrogate younger, was taken, or probably put himself in the road of being taken; for he turned informer, and a bitter persecutor. The reader hath him in all the exceptions from Pentland indemnity; and the first notice I find taken of him, is in a letter from Lauderdale to the council, dated October 8th, wherein he orders him to be examined anent the rebellion 1666, and the advocate accordingly converses with him: and, in November, the council order Sir James Turner, Chalmers of Waterside, and Mandrogate elder, to come in to Edinburgh, to be witnesses against him, and signify to the secretary, they expect important discoveries from his trial. But afterwards they write, they have got nothing of importance from him. I believe he was gained to the bishops' lure, and afterwards we shall find him acting a very ill part in the south. 1668.

This summer and harvest, I remark all the king's letters to his council, upon whatsoever occasion, almost conclude with recommendations of the lords of the clergy, to their care, and the orthodox ministers up and down the kingdom, and carefully to inquire into any affronts and violences offered to them. I know no occasions for these, but Mr Mitchell's attempt, and the accounts which come in before the council, of a riot committed upon Mr James Brown minister at Calder. The circumstances and nature of it I have no accounts of; only, July 30th, the council order the advocate to process some persons before the justices, for the attempt on the minister of Calder. There is little more considerable this year, unless it be the continued ill treatment of those west country gentlemen confined in the 1665, and by the high commission, which as far as I have noticed, I shall give altogether, and end this Chapter with it.

Upon January 9th, the council change Cuninghamhead's imprisonment from the Castle of Stirling to that of Edinburgh because of his business with lawyers here. Upon the 3d of March, he and the laird of Rowallan, who, it seems, had the same favour, are ordered to re-enter the Castle of Stirling. Upon the 4th of August, Sir James Stuart is ordered to be made close prisoner in Dundee; and Sir John Chiesly is sent with a guard to be made close prisoner in the toolbooth of St Johnston (Perth). The same day the council send their orders to the captain of the castle of Stirling to put Cuninghamhead and Rowallan in distinct rooms, close prisoners: and Sir George Maxwell is ordered in eight days to enter himself prisoner in the tolbooth of Kirkaldy, under the pains of five hundred pounds sterling; and, upon the 5th of August, his

1668. prison is again altered to the Castle of Stirling. And John Porterfield of Duchal younger, whom we shall again meet with, gives in a petition, July 2d, to the council, signifying, "that whereas he hath been under confinement, by the order of the commission for church affairs, these several years past, at Elgin of Murray, and punctually kept his confinement, and the lords of council have allowed him to come to Edinburgh about his affairs; he humbly begs that his constraint may be taken off, and his bonds for keeping his confinement, be given up by the clerk." The lords grant his petition, upon his finding caution, under the pain of five hundred pounds sterling, to appear before the council, within four days after he is called.

CHAP. IV.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS, THE INDULGENCE GRANTED, AND NEW LAWS MADE AGAINST THEM, IN THE YEAR 1669.

1669. As for some years bygone, the interests of prelacy have been upon the decline; so ever since Pentland, the interests of presbytery have been gaining ground in Scotland. This is not the first, and will not be the last instance of the truth of the primitive Christian observation and experience, "that the blood of the saints is the seed of the church:" the church's winters of persecution, never want their succeedings springs and harvest, in less or more. Accordingly, this year, presbyterians had a sort of reviving, and began to gather a little strength. The military discipline for their conversion, was now at an end for some time; Mr Sharp's cloud at court continued; the constancy and cheerfulness of the persecuted party was convincing; conventicles increased, and the curates' churches grew thinner. Yet the prelates continue to go as great a length as they may against presbyterians. The persecution for Pentland is not wholly over; the confinement of several gentlemen is protracted, and conventicles are strictly punished: but the fruitlessness of these persecutions at length brings on an indulgence; and to soften the bishops a little, new laws are made in their favour by the parliament, which sits in the end of this year. These things will afford matter for the following sections.

SECT. I.

Of the circumstances of presbyterians, and procedure against conventicles, preceding the indulgence this year.

When the bishops want the army to hum down the presbyterians, they improve the expressions in the king's letters, of "encouraging the lords of the clergy and orthodox ministers;" and daily importune the council to harass and call before them such presbyterian ministers as preached at this time, and to inflict the pains of sedition in the terms of the acts of parliament and council. Some were attacked in the north last year, where there were but a few, and the more easily discovered and catched; and this year the same work is violently prosecuted in other parts of the kingdom, especially in the west, where conventicles were sensibly growing. I shall then, in this section, take a view of the persecution of presbyterians for conventicle-keeping through this year. March 2d, I find an act of council fining the town of Edinburgh for a conventicle held there, in prosecution of the project formerly spoken of, fallen upon to prevent conventicles in burghs. It is but short, and I insert it here. "The lords of his majesty's privy council being informed, that on Sunday the last of February, there was a conventicle kept within the city of Edinburgh, in the house of ——— relict of the deceased —— Paton; and Mr David Hume, late minister of Coldingham, took upon him to preach: and whereas, July 29th, 1668, the magistrates of Edinburgh gave bond to pay fifty pounds Sterling for ilk conventicle that should happen within their city, to the treasury, having relief off the guilty persons; the council decern Sir Andrew Ramsay, and the rest of the magistrates to pay the said sum, and grant them power to make open doors, and apprehend persons guilty, for their own relief." This is *ad terrorem*, and to

fright other towns and the country. The town of Edinburgh is under the eye of the managers; and, to carry on the same work, the soldiers are parcelled out to other places. The same day some are sent to quarter at Glasgow, and some smaller parties to Newmills, Mauchlin, and Kilmarnock, in the shire of Ayr, and a party is ordered to the town of Inverness, to keep the presbyterians there and in Murray, in awe.

But because conventicles sometimes were dismissed before they could be reached, and the parents of children who were baptized at them, were more easily informed against by the curates in each parish, and came soon to be known, a new act of council is contrived, to be a foundation of their persecution. A committee of council the archbishops of St Andrews and Glasgow, duke Hamilton, earls of Dumfries, Annandale, Tw[illegible], and Kircardine, lords Drumlanerk, and Cochran, the president, register, advocate, and justice-clerk, with the laird of Lee, meet February 18th, to consider the acts of parliaments and council against conventicles, withdrawers from their parish-kirks, clandestine marriages and baptisms, and to consider what may be done for restraining them. This committee issues in an act of council, March 4th, the tenor whereof follows. "The privy council considering what a scandal it is to the protestant religion, and how much to the increase of popery, schism, and profaneness, that persons should withdraw from ordinances and sacraments and baptize their children by persons not authorized by the church; do therefore prohibit and discharge all persons whatsomever, to baptize their children by any other, but such as are their own parish-ministers, or such ministers as are established by the present government of the church; and declare, that the father of any child otherwise baptized, shall incur the pains and penalties following: every heritor a fourth part of his yearly valued rent; each tenant a hundred pounds Scots, and six weeks' imprisonment; each cotter twenty pounds, and six weeks imprisonment; and recommend it to the sheriffs, bailies of regalities, and other judges, to put this act in execution." Where the scandal upon the protestant religion lies, in children's being baptized by persons not authorized by a prelatical church, does not appear to me. That popery is increased and strengthened, by narrowing the church to such as will subject to diocesan bishops, is very evident from the nature of the thing, and our constant experience in Scotland. Popery hath still been upon the increase, and profaneness too, under prelacy and persecution: and the presbyterians have had always ground to charge the espousers of prelacy as separatists and makers of a schism from our reformation from popery by presbyters, and our first establishment according to the scriptural institution. How far it is a profanation of the holy sacrament of baptism, under such penalties to tie down its administration to the officers of a church declared to depend upon the king's will and pleasure, and its government to be ambulatory and alterable, as he sees fit, I shall leave to others to consider. As it is plainly contrary to the Christian liberty of the subject, thus in their religious rights to be bound up to the will of the sovereign; so to me this seems to be an irreligious prostitution of the holy sacrament, as an occasion of persecution of tender consciences, and what too much agrees with the knitting of the other sacrament of the supper, to civil and military offices, for which all the reformed churches are so much reproached by the papists, though two of them are only chargeable with this: yea, the restricting of the administration of baptism to a particular set of ministers, in order to be a pretext and cloak for harassing and violenting (forcing) the consciences of such who could not join with them, seems to contain something yet worse, if possible; at least this practice casts no small stain upon its authors, who generally speaking, were all baptized by presbyterians. This act is transmitted with letters from the council to the sheriffs of Lanark, Renfrew, Ayr, and the steward of Kirkcudbright, ordering them to publish it at the market-crosses and parish churches in these shires together with the forementioned acts of council, December 1662, and October 1666. And the commissioners of the militia are to inform themselves of all conventicles 1668.

1669. and disorderly baptisms, since November last, and call before them all ministers and hearers; and as they find them guilty, to take bonds from them to appear before the council: and such as do not compear, or refuse to find caution, they are required, by a party of the militia, to seize upon their persons; and this party is to be maintained by the delinquents, at eighteen shillings Scots per day for each horseman, and three shillings sterling for the officer; and all evidences and witnesses against them are to be sent with them into Edinburgh.

Jointly with this, I find, the council send instructions to the sheriffs and their deputes in the western shires, as to their procedure against nonconformists; and they deserve a room here. "March 8th, the instructions underwritten for the sheriff-deputes of Ayr and Lanark, bailie of Cuningham, and steward-depute of Kirkcudbright, were agreed to by the council.—Those who are to be convened before you, conform to these instructions, are to be cited in the ordinary way, and upon the ordinary time and number of days usual before the sheriff-court; and it is to be adverted, that they be cited personally to give their oaths upon the libel, with certification *pro confesso*. So that if they have no other probation by witnesses, and if the witnesses be not ready and able to prove the libel, it be proven by their oaths.—If the defenders appear not, they are to be holden as confest, and decreet given against them.—If they compear, and the libel cannot be proven without delay by witnesses, they are to declare upon the libel, and according to their declaration the judge is to decern.—If they be not ready or willing to pay the sums decerned, precepts are to be directed against them in the ordinary way; and the same being executed, they are to be sent to Edinburgh, with the executions, that letters of horning may be raised thereupon; and they are to be charged and denounced with all expedition.—They are to be careful that no money be taken from any person for forbearance, and not to proceed against them: and if the procurator-fiscal, or officers, or messengers, who are to be employed, or any others shall be found to take from any person, upon any such account, they will be noticed, and proceeded against, and censured as malversant, and unworthy of trust; and they are to advert and inform if any person be guilty of such malversation.—The process is to be as summar and short as can be, and the dispute and defences (if any be) are to be heard and discussed *verbo*, without receiving defences in write; and the clerk is only to minute the defences, if any be propounded.—If any persons cited, as said is, shall be content to find caution, and oblige themselves to frequent and keep the churches, and public ordinances, in the future, as also that they shall not be present at conventicles, in the shire, baronies, or stewartry foresaid; you are to accept of their said obligement and caution, and pass from the pursuit against them."

The same day, the council order some more of the soldiers to the west country, doubting, perhaps, the zeal of the militia there, for persecuting of their neighbours. And James Row merchant in Edinburgh, is fined by the council in a hundred pounds Scots, for being at the above conventicle in Mrs Paton's. George Mossman merchant there, is fined in two hundred merks, and John Row agent there, in a hundred pounds, for the same conventicle; and certified, that if they be found at another, they shall be banished. Meanwhile they are imprisoned till they pay their fines.

Jointly with these acts and orders, another expedient is fallen upon to bear down conventicles, and a great deal was promised from it. Collectors of the fines the law had appointed for nonconformity, were named about this time, in the places where conventicles most abounded. Mr Nathaniel Fyfe, a poor advocate, who wanted employment, and was a relation of one of the bishops, had Kyle and Carrick for his district. Cuningham was given to the sheriff of Nithsdale, brother to the earl of Dumfries, who was said to be a great oppressor of the poor, and not a whit the more unfit for this work in hand. James Dunlop of Houshill, a nephew of my lord Cochran's, had Renfrewshire, where, I am informed, he was abundantly easy, being very far from a per-

secuting temper: yet I find, in May, he hath the thanks of the council given him for his readiness to serve the government. Duke Hamilton was allowed to appoint whom he pleased for Lanarkshire. The earl of Nithsdale, a papist, got Dumfries and Galloway, and to be sure he took care not to be too severe upon Jesuits and trafficking priests. In May I find the council write to him, to take care he employed none under him who were not protestants, and regret the growth of popery. It is not good, however, to give the "wolf the wether to keep." These publicans and tax-gatherers, to encourage them to their work, had five hundred merks a piece from the council; their reign was but short, unto the first of June. They wanted a numerous army to back them, and military execution *brevi manu* is not yet allowed; they must prosecute offenders before the sheriff, in the ordinary course of law; and some of the sheriffs reckoning these collectors were come in upon their field, made the process so tedious, that they got not much. This was one of the easiest assessments the west country had laid upon them.

The archbishop of Glasgow put the lord Cochran to exert himself in a very particular way against the presbyterian ministers in his diocese: and his suffering the bishop to prevail with him to go the lengths he went, he having been upon the party who set up for moderation, opened people's mouths to say many things which need not a room here; that the worthy persons he was now harassing, were never so far engaged with the usurper, as he and others in the government had been; that all the evils in that time, even sitting in parliaments called by Cromwell, voting the tender and extirpation of the race of Stuarts, were overlooked: but presbytery, and the almost only loyal and firm subjects of that time, presbyterian ministers, could not be forgiven. My lord, as a counsellor, gives warrant to major Cockburn, an officer of the guards, to cite before a committee of noblemen and gentlemen, concerned I suppose, in the militia, at Ayr, in the end of March, several ministers, whom the bishops alleged, had acted contrary to law and preached and baptized irregularly. Their names, at least those of them, as we shall hear, who appeared before the council, are, "Messrs William Fullarton late minister at St Quivox, John Spaldin at Dreghorn, Alexander Blair at Galston, Hugh Archibald at Evandale, James Alexander at Kilmacomb, Andrew Dalrymple at Auchinleck, John Hutchison at Maybole, James Vetch at Mauchlin, Hugh Campbel at Riccarton, John Gemble at Symington, and John Wallace at Largs." Great was the rigour Cockburn used in forcing them to compear at Ayr. When he came to some of their houses with his men, he was not satisfied with the ordinary way of legal citation, nor with their promises to obey, but compelled them to give bond for compearing, and meanwhile would not produce his warrant for citation, and perhaps could not for this part of his treatment. The families of others of them he treated most rudely, turning them out of doors, and obliging them to flit and remove from their houses, without any reason given, within twenty-four hours, to their great detriment and loss. And one of the accounts, from which this narration is taken, says, the council were so sensible of this, that Mr Vetch and Mr Blair were allowed three hundred merks each for their losses. 1669.

All the ministers appeared before the meeting at Ayr, and answered the interrogatories put to them, with that meekness and candour, that most part of the members inclined to dismiss them without any further trouble: but this did not answer the archbishop's design, which was to be rid of these worthy men; and therefore the lord Cochran prevailed to get them cited to appear before the council next week at Edinburgh. They obeyed, and came thither on Saturday, April 3rd, and my lord Cochran came upon Monday to prosecute them, and it was said, when he went to the chancellor, he got small thanks for his zeal in this matter, and was blamed for surprising the council with this process of the ministers. However, from their books I find, April 6th, "the earl of Kincardine, lord Cochran, and the president, are appointed as a committee to examine some ministers from the west,

1669. come to town according to their bonds given anent keeping conventicles; and to report." Before this committee the ministers appeared, and were interrogated separately, whether they had preached since they were laid aside by authority? This they all frankly acknowledged. Next, they were questioned, whether they had preached in the fields? This none of them had done: and further, whether they had admitted any more to their exercise but their own families? This they all confessed. Then, they were all called in together, and asked, What they resolved to do in time to come? They answered, They purposed to demean themselves peaceably and soberly, as they had hitherto done, and as became ministers of the gospel, and to give no just ground of offence. The committee required them to subscribe their answers; which they did, and were dismissed at this time, and ordered to appear before the council upon April the 8th.

A time of trouble and suffering is ordinarily a time of jealousy and scruples; and so this was. Those ministers were the first since Pentland, who in a body had been questioned for preaching. It was now beginning to be too common, though afterwards this temper ran higher, to censure ministers in their appearances, carry as they would. And so some were pleased to blame them, as too faint in owning their warrant to preach the gospel: therefore, and because their expression before the committee, of "demeaning themselves peaceably and without offence," was debated as to its import, they saw good in the interval, before their appearing at the council bar to agree upon the heads of a discourse to the lords, wherein one, in the name of the rest, should, express their sentiments about their ministry, and the necessity of exercising it even at this juncture; and it was laid upon Mr William Fullarton to deliver the mind of the rest. Upon the 8th of April they were called in before the council. The lords, upon their signed confessions, agreed upon the following act concerning them. "The lords of council, by examination of the confessions of Mr William Fullarton late minister at St Quivox, &c. *ut supra*, find that they have contravened the acts of parliament and council anent conventicles, and withdrawers from worship, and have incurred the penalties therein contained; yet the council on divers considerations, being willing to use all means to reclaim them from such unruly and undutiful carriage, and to reduce them to a due conformity to the laws of the kingdom, have thought fit to defer pronouncing sentence against them, till further consideration; and declare, that if any of the persons above mentioned, shall hereafter keep conventicles, or withdraw from worship, the council will not only punish them for their bygone transgressions, but also take course to remove them from those places of the country where now they reside, and punish them conform to law." When they were come in, the chancellor told them the council had considered their confession before some of their number, and the clerk was to signify the council's pleasure to them, who read what is above. Mr William Fullarton then begged the liberty to speak; which being allowed, he delivered himself to this purpose, as had been concerted.

"My lord chancellor,

"We have already ingenuously confessed and professed what hath been our carriage, in reference to those things laid to our charge, and have declared under our hands, that as in all our actings, we have carried with due respect to authority, as it became the ministers of the gospel, so we resolve to continue: and it is no small addition to our sufferings, that we should be misrepresented, or looked upon by any, 'as justling with authority.' Yet considering that it hath been in all the ages of the church, the case of the Lord's faithful servants, from which our Lord himself was not exemed, (exempted) to be slandered as no friends to Cesar, we need not think it strange; for our witness is in heaven, and our record is above, that as we desire to give unto God the things that are God's, so also unto Cesar the things that are Cesar's, there being by divine authority an indispensability betwixt fearing of God and honouring the king, and

none void of the first, can rightly perform the second. Therefore we judge, the fearers of God are the only loyal people in the world; only our loyalty is with subordination to our Lord Jesus Christ, who is King of kings, and Lord of lords, by whom kings reign, and princes decree justice; and under him to the king's majesty, and inferior magistrates, and in this line of subordination we shall deny nothing to the king, that shall be demanded, but shall be as ready cheerfully to grant, as any shall be to require it of us. And withal, our loyalty is not founded upon extrinsic grounds, or self-principles or motives, but allenarly upon the basis of conscience, and so not regulate by the revolutions of time, but remains still the same. Hence it was, that when the royal family was in a low condition, we lay in the dust, and poured out our supplications to God in behalf of the king's majesty, that he might be preserved from sin and snares, upheld, comforted, and restored to his throne and government; and we looked upon the effectuating thereof as the return of our prayers, for which we judged ourselves obliged to bless the Lord, and promised to ourselves, and expected a reviving from our bondage, and a share of that calm and quietness, that was thereby to redound to a poor distracted kingdom. That it is otherwise with us we shall adore Sovereignty, who has so carved out our lot, although the storm should never blow off our faces while we are in time, whereunto with submission and patience we ought to stoop.

"And now seeing we have received our ministry from Jesus Christ, and must one day give an account to our Master how we have performed the same, we dare have no hand in the least to unminister ourselves; yea, the word is like fire in our bosoms seeking for a vent. And seeing, under the force of a command from authority, we have hitherto ceased from the public exercise of our ministry, and are wearied with forbearing; therefore it is our humble supplication to your lordship, that you would deal with the king's majesty in our behalf, that at least the indulgence granted to others of our way within his dominions, may be extended to us also. Next, that since we are troubled by one Mr Nathanael Fyfe, intrusted with the execution of the laws against such who do not keep the church, who is proceeding against us upon that account, and being now convened before your lordship for the same case upon the matter, that he may be inhibited to meddle with us. Further, it is our humble earnest supplication, that your lordship would compassionate the poor afflicted people of our country, who are groaning and fainting under sad pressures, and the way the said Mr Fyfe is taking with them, as it is sad, so it is an addition to our affliction; and although they cannot comply with the present ecclesiastical government, yet they are truly loyal to authority. Therefore we request you would do something or other for their ease and relief. 1669.

"And your lordships laying out yourselves with reference to those things, as it will prove acceptable service to God, and will be no matter of resentment to you when you enter eternity, and stand before Christ's tribunal, but on the contrary will be matter of your peace and joy; so also it will be for a name of praise and renown to you and yours, while you shall be called 'repairers of breaches:' yea, this will be a most effectual mean to secure the peace of the country, which we apprehend ye mainly study, and will endear the king's majesty to his loyal people, and engage all of us to pray, that the Lord would establish the throne in righteousness, and that the king's majesty and posterity may sit thereupon while sun and moon endure; and that your lordship may be blessed in the administration of the government intrusted unto you; and we shall be more and more obliged to remain your lordship's most humble servants in our Master Jesus Christ."

The council house was very throng, and Mr Fullarton had a very attentive audience all the while he spoke; and the ministers were dismissed, with a charge to live regularly at their peril. While they are yet in the outer chamber, going away, the chancellor was pleased to come and discourse with some of them. He acquainted them, as to the first branch of their desire, the council could not take it upon them to limit the king:

1669. and as to Mr Fyfe, they should be no more troubled with him, the council having already written letters to that effect: but as to the third, he wondered how they could call the people of their country loyal, when some within these few days, brought in by major Cockburn from Fenwick, adhered to their being at Pentland, and their taking the covenant at Lanark. Mr Fullarton answered, "As to any persons who do any thing tending to rebellion, or in prejudice of authority, as it is exercised in the line of subordination to our Lord Jesus Christ, we disown them." Mr Fullarton designed this as a waving of this matter, as I suppose: if he was of opinion, that the rising at Pentland contained any thing contrary to authority, as subordinate to Christ, he was alone, and no presbyterians I know of, thought so. Thus the ministers got safe home and preached in their own houses, as they had done; and the archbishop is disappointed in his harsh designs upon them: and my lord Cochran is said to have expressed himself pretty openly in a pet, "The ministers shall turn all upside down, before I meddle with them again." Indeed this year, conventicles were like the palm-tree, the more weights were hung upon them, the more they grew; and there were few presbyterian ministers in the west and south, but were preaching in their houses, and some in barns, and some few in the fields.

Although the ministers were thus dismissed, it may be from some views the leading persons had of an approaching indulgence, yet, the very same day, a proclamation against conventicles in the west, is emitted, discharging them, under heavy fines upon heritors; and I give it from the registers.

"The lords of his majesty's privy council, considering how far the keeping of conventicles is contrary to law, and disturbs the peace of the kingdom; and that notwithstanding conventicles are kept and frequented in the shires of Lanark, Renfrew, Ayr, and stewartry of Kirkcudbright, they prohibit and discharge them, and discharge all heritors whatsomever, in these shires, to suffer or permit any conventicles or private meetings, on pretence of religious worship, to be kept in houses, or lands pertaining to them: certifying, if they contravene, each heritor in whose bounds or lands a conventicle shall be kept, shall be fined in the sum of fifty pounds sterling, *toties quoties;* and ordain these presents to be printed, and published in the places above."

I have not seen the printed copy, but by several accounts before me of this period, I find, that when the proclamation was published, it contained a clause, ordaining tenants to be fined in a hundred pounds *totics quoties*, for conventicles in their houses or ground, but this not being in the copy in the council books, I can say no more of it. The unreasonable imposition in this proclamation, is very plain: no exceptions are made, though the heritor were never so much a conformist; though he live not upon the place, though he had no hand in, nor gave any allowance to the meeting, yet he is made liable to this exorbitant fine. No question it was designed to put noblemen and gentlemen to look after their tenants, and take care none should be in their lands who would invite or countenance any of the outed ministers: but in its very nature it appears most arbitrary and unjust; a punishment in many cases where there was no fault, and a requisition of what was really impossible for heritors to perform. Neither are they, by the act, allowed, as the magistrates of burghs, so much as a repetition of their fine, from their supposed guilty tenants. Frequently when things are stretched too far, they break, to the hurt of the stretcher; so this unrighteous act broke itself, and indeed made the indulgence more pressed for by, and desirable to persons of rank. Thus violent men are taken in the pit which they digged for others, and the wicked snared in the work of their own hands. Happy was it for the heritors in the west, there was no Turner, Bannantyne, general Dalziel, nor standing army, now to execute this act. Thus it discouraged not people much to haunt conventicles, and presbyterian ministers went on to preach to a people who needed spiritual food very much, and received the word with all readiness of mind. However, in May and June this year, several

ministers were brought before the council, till the indulgence began to appear: I give but one instance or two.

Mr Matthew M'Kail, minister at Bothwell, father, I suppose, to Mr Hugh, who was executed after Pentland, a true Nathanael, and a very plain dealer, preached about this time within a few miles of Paisley, to a considerable meeting in the fields, upwards of a thousand. His text was, Isa. xxxii. 5. From this he described the churl, so as many of his hearers applied it to one in that country of some rank. If the picture was scriptural, and indeed the preacher was very much master of the Bible, and so natural as to represent the guilty, he was not to be blamed for his hearers' application. Great noise was made of that sermon, but I do not hear Mr M'Kail was troubled for it. Mr Gilbert Hamilton was cited, but, either through mistake or moyen (influence,) was not called. Mr James Currie, minister at Shots, did not compear. Mr Andrew Morton, minister at Carmunnock, appeared, and objected against the legality of his summons. New summons was ordered to be given him in due form, and he escaped at this time.

June 3d, I find the council give commission to the archbishop and provost of Glasgow, to try who were at a conventicle lately kept in that city, what quality they were of, who were present, and how they stand affected to the government, and report. The occasion of this was, Mr James Hamilton, minister at Blantyre, then living at Glasgow, had been informed against for preaching in his own house. Upon examination, he is seized by the magistrates, and sent in under a guard to Edinburgh, where he was presented to the chancellor, who, after some conversation with him, saw good to commit him to prison. This worthy man used very great freedom when called before a committee of council appointed to examine him, and was no way damped. Being asked, if he had preached in his own house at Glasgow? He acknowledged he had. And being further interrogated, how many his hearers used to be? He answered, that these years bygone, when poor ministers of Christ were forced from their flocks, and, with difficulty enough, were able to subsist themselves and families, they had no money to hire palaces and castles to live in, and their lordships might easily guess any house he was able to take, could not contain great numbers of hearers, neither could he keep people from coming to his house, having no halberts to keep his doors, nor guards to make use of. Some of the members of the committee upbraided him with reflecting upon the archbishop of Glasgow, in what he now spoke; and endeavoured to impress him with the bishop's lenity and favour, in permitting him to live so long at Glasgow. Mr Hamilton answered, It was very easy to speak of lenity and favour, but he was assured he had not so much liberty and favour at Glasgow, as Paul enjoyed under a violent persecuting heathen at Rome, where he remained two years in his own hired house, and preached the gospel, and no man was forbid to come to him; but the honest people of Glasgow, and himself, had been frequently threatened with great violence, if they did not forbear. Finding they were not like to gain any ground on him by their queries, they desired to know if he was willing, for the time to come, to give bond to preach no more this way. His return was, that he had his commission from Christ to preach the gospel, and he would not take any restrictions upon himself, whatever force others might bring him under. The chancellor was pleased to ask him, Where his commission was? He replied, Matth. xxviii. 19. "Go teach and baptize." The chancellor replied, That is the apostles' commission; do you set up for an apostle? No, my lord, said he, nor any extraordinary person either; but that place contains the commission of ordinary ministers of the gospel, as well as extraordinary ambassadors, such as were the apostles. 1669.

June 24th, the council sit and receive their committee's report, "That Mr James Hamilton, prisoner in the tolbooth of Edinburgh, acknowledged, that he had several times preached and exercised divine worship in his own house at Glasgow, to his own family, and others beside his own family were present; and that as he invited none, so he debarred none; and being asked by

1669. them, If he would give assurance in time coming to keep no conventicles and to preach and exercise worship nowhere but in his own house, and only to his own family, and such as should be occasionally present in his family on some other account, he refused. And being called in before the council, he adhered to what is above. The council order him to be kept in prison till he give caution in the terms above." And further statute and ordain, "that all ministers who shall hereafter be apprehended, or brought before the council, on account of conventicles, either by themselves or others for them, shall give surety, for their peaceable deportment, and that they shall keep no conventicles, as said is; and in case of refusal, ordain them to be kept in prison, till they give surety, as said is, and be otherwise censured, as the council thinks fit." Thus, upon Mr Hamilton's refusal, they form a general rule, whereby to proceed against all presbyterian ministers; and this severity afterwards hindered ministers to appear before them, as hitherto they had done upon the first call: but when they must choose now either to come under a voluntary tie, to restrict themselves in the ministry received from Christ, or undergo a perpetual imprisonment, they choosed rather to keep out of harm's way, as long as they could. This, within some time, brought on the denouncing and intercommuning of ministers. When they were cited to appear before the council, and, for the reasons above, durst not obey, caption was directed against them, and they were put to the horn.

Mr Hamilton was remanded to prison, and lay there a long time, till his brother Sir Robert Hamilton of Silverton-hill made interest for him, and got him out, after his health was considerably impaired by his imprisonment, and not till he had given bond of a thousand merks, to compear when called. The persecution reached several of the inhabitants of the town of Glasgow, his hearers; some of them were brought before the council, and obliged to give bond to keep no more of his meetings. All those prosecutions of ministers and others for conventicles, land in a new proclamation against them, of the date August 3d, which being short I insert it here.

"Charles, &c. Forasmuch as from our tender care and great zeal for preserving the peace and quiet of the church and kingdom, by our former proclamations we have discharged all private meetings and conventicles, under pretence of religious worship and exercise; yet, in divers places of this kingdom, divers outed ministers and others, take on them to preach and exercise the functions of the ministry, in meetings of our subjects, not warranted by law, to the high contempt of our authority and government, to the disquiet of the peace of this church and kingdom; therefore, we, with advice of the lords of our privy council (but derogation in any sort from our said former proclamations, or pains therein contained) do command all heritors timously to delate any who, within their bounds, shall take upon them to preach, or carry on worship, in such unwarrantable meetings and assemblies, and make their names known to the stewards, lords, bailies of regalities, sheriffs and their deputes, to magistrates of burghs, justices of peace, and officers and commissioners of the militia, within whose bounds and jurisdictions they may be apprehended: and do hereby authorize and command the sheriffs, and others foresaid, that after intimation made to them, that the persons foresaid are within their respective bounds, they make exact search and inquiry after them; and if they be found, that they apprehend, and incarcerate their persons, and acquaint the lords of privy council of their imprisonment; and require the magistrates of burghs to receive and detain them prisoners, till further order; and that this they do, as they will be answerable, under the highest pains. Likeas, that all our subjects be hereby advertised, that we are resolved in the future, to put our laws and acts, statutes and proclamations, vigorously in execution against withdrawers from public worship in their own congregations; and ordain these presents to be printed and published."

This is what I have met with as to conventicles this year, before the indulgence; upon the granting of which, in the west, for some time, conventicles were not much

noticed; in other places, where few or none were indulged, they continued. I find, upon the last of September, William Southram, who had been prisoner in the Canongate tolbooth some months for being at a conventicle, is liberated, upon finding caution under five hundred merks, to compear when called: and, December 9th, the lords of council being informed of a conventicle in Fife, kept at ———, where ——— did take upon him to preach, and exercise all the functions of the ministry; at which conventicle were present —— Hamilton of Kinkel, John Balcanquel brother to the laird of Balcanquel, and John Geddie steward clerk of Fife. Letters are directed against them, to compear against this day eight days, under pain of rebellion. I find no more anent them for some time. There are some other steps of severity in this period, before the indulgence, I shall cast in, with some other matters in the last Section, that the thread of the account of things of the same nature, may be as little broken as can be. And now I come to give some account of the indulgence, begun to be granted in July this year.

SECT. II.

Of the first indulgence granted to presbyterians, July 1669.

THE full accounts of this and the following indulgences granted to presbyterians, shall be very much left to such who write a complete ecclesiastic history of this time. Perhaps too much is in print already anent the indulgence. I am sure too much was said and writ upon this head. The greatest heats were indeed some time after this, as may be noticed. Indulgences must not be reckoned part of our sufferings in this church; yet being the occasion of differences among good people, and a respite from suffering to several very worthy men, and really an aggravation of the severities exercised against others who shared not of this benefit, when allowed to some; my account of presbyterians under the cross, would be lame, without somewhat about them in the order of time when they were granted. 1669.

By this time every body save the clergy, were sensible of the necessity of some liberty to dissenters from the present church establishment in Scotland; since by no means they could be brought over the belly of their light, and known principles and covenants, to subject unto prelates and their underlings. Multitudes through the nation were calling aloud for this, the courtiers began to promise it, and in private to put it into some shape. The earl of Tweeddale, at this time in no small favour with the king, and close friendship with Lauderdale, who was jealoused (suspected) by the bishops to retain some regard to his old friends the presbyterians, till his second marriage altered him very much: my lord Tweeddale, I say, had frequent conferences with some presbyterian ministers, concerning some liberty designed for them; particularly with Mr John Stirling, who was his own parish minister, Mr Robert Douglas, and some others. He prevailed with them to send up a letter to court, to be a handle to their friends at London to work upon in their favours. A copy of it I have not met with, but am informed it contained very full expressions of their affection to the king, their firm loyalty, and a disclamation of some positions now alleged to be treasonable, charged upon some presbyterians. Tweeddale goes up to court, either with this, or a little after it, and found his work the easier there, that the presbyterians in England were at present connived at in their meetings, and in Ireland likewise, as appears from a part of a letter, April this year from a minister there to one in Scotland, a month or two before this, which I take liberty to insert, because we yet want a full account of the state of presbyterians there in this period. After his regretting the persecution in Scotland for conventicles, he adds, "but it is matter of rejoicing, that the Lord's work seems to be reviving here, (Ireland,) Christ hath a church here, that appears with the fairest face, and the cleanest garments, and has proven most faithful with God of any of the three, and really hath much of the light

1669. of his countenance. The sun seems to be fairly risen on this land; whether it may be soon overclouded I cannot say, but presbyterians' liberty is in many places little less than when they had law for them. They are settling their ministers with encouragement, and building public houses for their meetings, and providing vacancies with ministers. About a month ago, I had occasion to be at Dublin, where the sacrament of the Lord's supper was administrate publicly on the Lord's day, at the ordinary time, and some hundreds standing without, the doors and windows of a throng meeting-house being cast open; a public fast on the Thursday, two sermons on Saturday, and as many on Monday. To all this I was a witness, and more than a witness. The harvest is great, the burden-bearers are few, and the few are not idle." But this only by the way. When a spirit of persecution is at some stand in England and Ireland, some favour was the more easily granted here; and, July 15th, a letter is presented by the earl of Tweeddale to the council from the king, which I here insert from their records.

"CHARLES R.

"Right trusty, and right well beloved cousins and counsellors, &c. Whereas by the act of council and proclamation at Glasgow, in the year 1662, a considerable number of ministers were at once turned out, and so debarred from preaching of the gospel, and exercise of the ministry; we are graciously pleased to authorize you and our privy council, to appoint so many of the outed ministers, as have lived peaceably and orderly in the places where they have resided, to return and preach, and exercise other functions of their ministry in the parish churches where they formerly resided and served, (provided they be vacant) and to allow patrons to present to other vacant churches, such others of them as you shall approve of; and that such ministers as shall take collation from the bishop of the diocese, and keep presbyteries and synods, may be warranted to lift their stipends as other ministers of the kingdom: but for such as are not, or shall not be collated by the bishop, that they have no warrant to meddle with the local stipend, but only to possess the manse and glebe; and that you appoint a collector for those and all other vacant stipends, who shall issue the same, and pay a yearly maintenance to the said not collated ministers, as you shall see fit to appoint.

"That all who are restored and allowed to exercise the ministry, be, in our name, and by our authority, enjoined to constitute and keep kirk-sessions, and to keep presbyteries and synods, as was done by all ministers before the year 1638, and that such of them as shall not obey our command in keeping presbyteries, be confined within the bounds of the parishes where they preach, ay, and while they give assurance to keep presbyteries for the future.

"That all who are allowed to preach, be strictly enjoined not to admit any of their neighbour or any other parishes unto their communions, nor baptize their children, nor marry any of them, without the allowance of the minister of the parish to which they belong, unless it be vacant for the time. And if it be found, upon complaint made by any presbytery unto you our privy council, that the people of the neighbouring or other parishes resort to their preachings, and desert their own parish churches, that according to the degree of the offence or disorder, you silence the minister who countenances the same, for shorter or longer time; and upon a second complaint verified, that you silence again for a longer time or altogether turn out, as you see cause; and upon complaint made and verified, of any seditious discourse or expressions in the pulpit, or elsewhere, uttered by any of these ministers, you are immediately to turn them out, and further punish them according to law and the degree of the offence.

"That such of the outed ministers who have behaved peaceably and orderly, and are not re-entered, or presented as aforesaid, have allowed to them four hundred merks Scots yearly, out of the vacant churches, for their maintenance till they be provided of churches; and that even such who shall

give assurance to live so for the future, be allowed the same yearly maintenance.

"And seeing by these orders we have taken away all pretences for conventicles, and provided for the wants of such as are, and will be peaceable; if any shall hereafter be found to preach without authority, or keep conventicles, our express pleasure is, that you proceed with all severity against the preachers and hearers as seditious persons, and contemners of our authority. So leaving the management of those orders to your prudence, and recommending them to your care, we bid you farewell. By his majesty's command.

"LAUDERDALE.

"Given at our court at Whitehall,
June 7th, 1669."

A great deal hath been said *pro* and *con* upon this letter in print; and I shall upon this subject keep to matter of fact, and add nothing to revive the old burnings, scarce yet extinguished. But it seems necessary to remark, that the reader may not think all the clauses of this letter equally executed, that, as far as I can find, the matter of the four hundred merks yearly the king here allows for the maintenance of outed ministers, was never made forthcoming to many of them, neither have the accounts of any not indulged, who shared in the vacant stipends, come to my hand. Whether this was from the failing of the fund, or their continuing to preach to their own families, when there was not access to hear the indulged, or from their want of interest among the managers, or that this clause was only designed as a blind to make the rest go the better down, the judgment of peaceable and orderly behavionr being still in the managers' hands, or that it was prevented, as too much favour by the bishops and their friends, though once intended at court, I know not. I only add further, that upon the 8th of July, "The council finding, by act of parliament all the vacant stipends since the (year) 1664, were to be uplifted for the increase of the stock of universities, and a collector appointed; a committee is ordered to examine how that affair stands." This seems to have been a fetch of the bishops, when they knew the indulgence was a coming, to prevent at least, one part of the king's will; and an act of parliament, allocating the vacant stipends to universities, would be a good handle, at least, to prevent the four hundred merks to the nonindulged. 1669.

When the king's letter was read in council, it appeared extremely dissatisfying to the prelates and their party; and the chancellor is reported to have said pretty openly, he would prevent its being of any use to the fanatics in Fife. This opposition to any favour to presbyterians, delayed the granting it for some days, and there was a committee named, to whom the king's letter was referred. The act of reference is, "The lords of his majesty's privy council appoint the lords archbishops of St Andrews and Glasgow, the lord duke of Hamilton, the earls of Argyle, Tweeddale, Kincardine, and Dundonald, (*i. e.* the lord Cochran, whose patent for earl of Dundonald, is read in council, June 3d this year,) the lord president, register, advocate, and lord of Lee, or any five of them, to consider the foresaid letter, and of the fittest way how the king's pleasure herein may be made effectual, and to report, and recommend it to the chancellor to be present at the meetings of the said committee." In this interval, the lords of the clergy, and some of their orthodox ministers, had a meeting to fall upon means to hinder the indulgence, which they apprehended would be ruining to their interest. No practical measures could be proposed to prevent it altogether, since the king had made known his pleasure: but bishop Sharp, to comfort his brethren, promised to do his utmost to make it a bone of contention to the presbyterians. Indeed he wanted not abundance of serpentine subtility; and when his attempts to break it altogether failed, he set himself with all vigour to have it so clogged from time to time, as to break ministers and people of the presbyterian judgment among themselves.

The committee named to ripen this matter, had before them the fixing upon the ministers to be indulged, and the draughts of the council's acts thereanent; and when these are ready, and the ministers advertised,

1669. with whom they were to begin, this was laid before the council, and approven. I shall give the acts and ministers' names, as I find them standing in the council books, and add any thing I find further noticeable from other papers. "July 27th, the lords of his majesty's privy council, in pursuance of his majesty's letter, dated June 7th, do nominate and appoint the following persons to preach, and exercise the other functions of the ministry at the following vacant kirks underwritten. Messrs Ralph Rogers, late minister at Glasgow, at Kilwinning; George Hutchison, late minister at Edinburgh, at Irvine; William Vilant, late minister at Ferrie, at Cambusnethan; Robert Miller, late minister at Ochiltree, at the same kirk; Robert Park, late minister at Stranraer, at the same kirk; William Maitland, late minister at Whithorn, at Beith; John Oliphant, late minister at Stonehouse, at the same kirk; John Bell, late minister at Ardrossan, at the same kirk; John Cant, late minister at Kells, at the same kirk; John M'Michan, late minister at Dalry, at the same kirk.—(Also) "The lords of his majesty's privy council, in pursuance of his majesty's pleasure in the said letter of June 7th, in his majesty's name and authority, command and ordain all such outed ministers, who are or shall be appointed to exercise the ministry, that they constitute and keep kirk-sessions, and keep presbyteries and synods, as was done by all the ministers before the year 1638. And the council declare, that such of them who do not keep presbyteries, shall be confined within the bounds of the parishes where they preach, ay and while they give assurance to keep the presbyteries. The council does strictly command and enjoin all who shall be allowed, as said is, not to admit any of their neighbour or other parishes unto their communions, nor baptize their children nor marry any of them, without the allowance of the minister of the parish to which they belong, unless the parish be vacant for the time, not to countenance the people of the neighbouring or other parishes, in resorting to their preachings, or deserting their own parish churches: and that hereunto these give due obedience, as they shall be answerable. And ordain these presents to be intimated to every person who shall, by the authority aforesaid, be allowed the exercise of the ministry."

Thus the matter of the indulgence, as coming from the council, stands; and I shall give an account of all the rest of the persons indulged together, if once I had considered the circumstances of the first ten, when they receive their allowance from the council. All the accounts I have seen, make it the 3d of August this year, when the above named ministers, and with them Messrs John Scot, William Hamilton, and others in the following list of this day's date, appeared before the council: but I find nothing in the books of council of this, neither the copy of acts of indulgence given them upon this day, inserted from other accounts, which I find no ground to question.

The ministers when come to Edinburgh, after consultation among themselves, and as many of their brethren as they could have access to, agreed to make a declaration to the council, against what had the appearance of evil in their indulgence, and laid it upon Mr George Hutchison to deliver their mind. When they came in before the council, the chancellor signified to them the king's goodness in allowing them the exercise of their ministry, and desired them to manage well, and told them, the clerk would read and give them their acts of indulgence. These were of two shapes; the one was unto such as were indulged unto other kirks than they had been formerly settled at. The tenor of Mr Rogers' act, the first in the list of this kind, ran thus:—"The lords of his majesty's privy council, in pursuance of his majesty's commands signified the 7th of June last, do appoint Mr Ralph Rogers, late minister at Glasgow, to preach and exercise the other functions of the ministry at the kirk of Kilwinning." This act was signed by all the members of the council in town, save the two archbishops. The other form was to such of the ministers, as were appointed to their own churches now vacant: and the tenor of Mr Millar's, the first in the list of this sort, follows:—"Forasmeikle as the kirk of Ochiltree is vacant, the lords of his

majesty's privy council, in pursuance of his majesty's command signified by his letter of the 7th of June last, and in regard of the consent of the patron, do appoint Mr Robert Miller, late minister there, to teach and exercise the other functions of the ministry at the said kirk of Ochiltree."—This kind was signed as above; and both sorts were delivered, after reading by the clerk, to the hands of all the ministers present, respectively: and after all had got them, the clerk was ordered to read the act above set down, dated July 27th, containing what was called, their injunctions, which was read to them all. After which, Mr George Hutchison craved leave from the council to speak; and being allowed, delivered himself thus:

"My lords,

"I am desired, in the name of my brethren here present, to acknowledge in all humility and thankfulness his majesty's royal favour, in granting us liberty, and the public exercise of our ministry, after so long a restraint from the same; and to return hearty thanks to your lordships, for the care and pains taken therein, and that your lordships have been pleased to make us, the unworthiest of many of our brethren, so early partakers of the same.

"We having received our ministry from Jesus Christ, with full prescriptions from him for regulating us therein, must in the discharge thereof be countable to him: and as there can be nothing more desirable or refreshing to us upon earth, than to have free liberty of the exercise of our ministry, under the protection of lawful authority the excellent ordinance of God, and to us most dear and precious; so we purpose and resolve to behave ourselves in the discharge of the ministry, with that wisdom and prudence which becomes faithful ministers of Jesus Christ, and to demean ourselves towards lawful authority, notwithstanding of our known judgments in church affairs, as well becomes loyal subjects, and that from a principle of conscience.

"And now, my lords, our prayer to God is, that the Lord may bless his majesty in his person and government, and your lordships in your public administrations; and especially, in pursuance of his majesty's mind testified in his letter, wherein his singular moderation eminently appears, that others of our brethren may in due time be made sharers of the liberty, that through his majesty's favour we now enjoy." 1669.

So hard a matter is it to please sides and parties, that in a difficult divided time, such who essay to take the middle way, ofttimes displease both. Mr Hutchison's discourse was by some thought too soft and general, and not a sufficient testimony against the plain erastianism that appeared in the king and council's procedure; and upon the other hand it fretted and galled some of the counsellors, as being too plain. When the design was going on to indulge some more ministers, it was resolved by some of those who were next to appear before the council, to deal yet more plainly with them, as to their mission and instructions being allenarly from Jesus Christ. This took air, and the counsellors who were offended at the former speech moved one day in council, that such as should be indulged, should no more be brought before the council, but have their acts of favour sent them.

I shall now give the names of such who were indulged at other council-days this year, all together with their dates. They had the same acts sent to them, and the same injunctions intimated to them as above. Besides the first ten indulged, July 27th, there were indulged and allowed:—August 3d, Messrs John Scot, late minister at Oxnam, there; William Hamilton, late minister at Glasford, at Evandale; Robert Mitchell, late minister at Luss, there; John Gemble, late minister at Symington, there; Patrick Campbel, late minister at Inverary, there; Robert Duncanson, late minister at Lochanside, at Kildochrenan; Andrew Cameron, late minister at Kilfinnan, at Lochhead in Kintyre.—September 2d, Messrs Robert Douglas, late minister at Edinburgh, at Pencaitland; Matthew Ramsay, late minister at Kilpatrick, at Paisley; Alexander Hamilton, late minister at Dalmeny, there; Andrew Dalrymple, late minister at Auchinleck, at Dalgen; James Fletcher, late minister at Newthorn (Neuthorn), there; Andrew

1669. M'Lean, late minister at Craignies, at Kilchattan; Donald Morison, late minister at Kilmaglass, at Ardnamurchan.—September 30th, Messrs John Stirling, late minister at Edinburgh, at Hownam; Robert Mowat, late minister at Temple, at Heriot; James Hamilton, late minister at Eaglesham, there; Robert Hunter, late minister at Corstorphine, at Dinning; John Forrest, late minister at Tulliallan, at Tillicultry.—December 9th, Messrs James Veitch, late minister at Mauchlin, there; Alexander Blair, late minister at Galston, there; John Primrose, late minister at Queensferry, there; David Brown, late minister at Craigie, there; John Crawford, late minister at ———, at Lamington.—December 16th, Mr John Baird, late minister at Innerwick, at Paisley.—January 1st, 1670, Mr William Tullidaff, late minister at Dunboig, at Kilbirnie.—January 27th, Mr Alexander Wedderburn, late minister at ———, at Kilmarnock.—March 3d, Messrs John Lawder, late minister at Dalziel, there; George Ramsay, late minister at ———, at Kilmauers; John Spaldin, late minister at ———, at Dreghorn; Thomas Black, late minister at ——, at Newtile; Andrew M'Lean, late minister at ———, at Killaro and Kilquhanan; Andrew Duncanson, late minister at ———, at Kilchattan in Lorn.

These are such as I have met with, who had the favour of this first indulgence, two-and-forty in all. I shall only add the council's acts anent Mr Robert Douglas, and Mr John Baird, as being a little distinct from the rest. That for Mr Douglas runs, September 2d, "Forasmuch as the kirk of Pencaitland is vacant by the death of Mr Alexander Verner, late minister there, and a process depending anent the patronage of that kirk, and the kirk will vaik if remeed be not provided; the lords of council have thought fit, in pursuance of the king's letter, for this time, and during this vacancy, to appoint Mr Robert Douglas, late minister at Edinburgh, to preach, and exercise the functions of the ministry thereat, but prejudice of the patronage, when declared by the judges ordinary." The act anent Mr John Baird, is dated December 16th, and runs "The lords of his majesty's privy council considering, that Mr Matthew Ramsay, who is appointed to preach, and exercise the function of the ministry at Paisley, is not able of himself, by reason of infirmity of body, do, in regard of the patron's consent, and that of Mr Matthew Ramsay, appoint Mr John Baird, late minister at Innerwick, to preach and exercise other functions of the ministry at Paisley."

No more offers to me this year anent the indulgence, unless it be an act of council, December 29th, which, I imagine, has some reference to this. Its tenor is, "The council being dissatified with the transaction between the parishioners of Stewarton and their minister, Mr Alexander Ogilvy, whereby he hath agreed to desert the said kirk, declare they will not allow the cure at the said kirk to be served in any time hereafter, but by persons of loyal and orthodox principles." It would seem, that upon the granting indulgences to so many parishes, others who were overlooked, offered the curates a piece of money to leave them; and some of them were willing enough to do it, and to try their fortune elsewhere; and by this act the council endeavour to prevent these transactions.

Thus I have given a plain narration of matter of fact, as to this first indulgence, from the public papers I have met with. This was the first, and, as many thought, the best shape in which this public favour to presbyterians stood. The bishops feared it, and opposed it very much; and when no better could be, they endeavoured to make it the apple of dissension among presbyterian ministers and people. Upon the other hand it is beyond denial, the Lord, in his holy providence, had much good to bring out of it, to the famishing souls of thousands; and eventually, through the sinful passions, venting themselves upon all hands, undoubtedly much evil followed upon it. As it was very satisfying unto many, in the first reports of it, so they were much disappointed when it appeared upon so narrow a bottom, and clogged so much with restrictions. They lamented that it flowed from the exercise of regal supremacy, which none of the takers professed any way to allow of. The want of the call of the people, or their consent,

when the patron's was expressed, was gravaminous; and yet nothing is more certain than that the people most willingly received the ministers when they came. The ministers were required to do evil, but they did it not, and were made a kind of prisoners in their own congregations, and their neighbours discharged to partake of their ministry; yet the prohibition was not obeyed.

Very knowing, judicious, and solid Christians and ministers differed in their sentiments of this indulgence. Upon the one hand it was looked upon as the opening a door to a larger and clearer liberty unto the presbyterians in Scotland; and indeed grounds were not wanting at this juncture, for entertaining views of this sort: but in the event it proved otherwise. Its first appearance was fairest, and afterwards it turned darker. Further, it was said to be a mere removal of the unjust restraint put upon ministers by the council's act at Glasgow, and a nullifying of the prelates' sentences of deposition, pronounced against such who were not reached by that act; neither of which the ministers had ever submitted to, but in so far as they were forced by violence. Upon the other hand it was reasoned, that the laws now in being, having cassed and rescinded the act for the reformation-privileges of this church 1592, and those since the (year) 1638, and taken away the intrinsic power of the church, and its due constitution; the council's actings, in consequence of this rescission, could not but be highly Erastian, in transporting ministers, fixing relations to other congregations, and restricting and limiting them in the exercise of their function. It was urged, that the indulgence would never have been assented to in council, had not its advocates made it out, that it would weaken, if not ruin presbyterians, by breaking that close correspondence and harmony they had hitherto maintained among themselves, by their being precluded from new ordinations, which was what the bishops feared above all things; and by their being bound up from visiting the country, and watering the people up and down, who were dissatisfied with prelacy. Lastly, it was feared that this license to a few, would be accompanied with severity to the rest of the ministers, and a persecution of that body of presbyterians up and down, who could not have access to the ministry of the indulged; and might now come to be deprived altogether of the gospel. Within a little indeed the presbyterian ministers were banished from Edinburgh, and conventicles punished with greater rigour; yet it is sure they increased under this indulgence. 1669.

Notwithstanding of those different sentiments, in a matter which indeed could only be fully judged of by its fruits and consequents complexly taken, yet it seemed agreed to, almost by everybody, that, in this troubled state of the church, ministers might warrantably accept of this liberty to preach in their own congregations, from which they had been violently forced, or in other places, until a door was opened in providence, to return to their own charges, provided a due testimony were given against the manner of granting this favour, which all reckoned gravaminous. Accordingly, the whole ministers pitched upon were willing to accept; and, by the consent of their brethren, the whole presbyterians through Scotland, cheerfully submitted to their ministry, as they had access. Matters continued thus as far as I can learn, till some of the banished ministers in Holland, perhaps at first upon misinformations, or at least incomplete accounts from Scotland, some time after this, wrote over some letters, and sent home some reasons against joining with the indulged. This began a flame, which, by degrees, rose to a very great height. It must be owned, the Lord eminently countenanced the labours and ministry of the indulged; and they could not but acknowledge they had as great and sensible assistance in the work of the gospel, as ever they had formerly known; and their success among their hearers was not small: so, whatever scruples came, in process of time, to be raised among some of the people; yet the bulk of presbyterians kept by them, and persons of rank went on to use their utmost interest with the council to have more and more indulged; till, about half a year after, the council shut the door, and would allow no more. The difficulties they met with,

1669: and further pressures laid upon them very quickly, will come to be noticed in their own place, next year.

SECT. III.

Of the proceedings of the parliament, which sat down October 19th, 1669, in as far as they relate to the church.

I COME forward to the actings of the parliament, which succeeded the indulgence, and passed such laws as were to the prelates some way a balance to it; and shall give some account of them all together, and then gather up several particulars throughout this year, I have hitherto passed, of design to put them together in the last section. The great design of this session of parliament, was, to give some beginning to a project now on foot, in order to an union with England. This matter being mostly civil, I leave it very much to such who write the history of this reign. It was thought by the most discerning persons, that this projected union was designed for advancing arbitrary government, and the encroaching upon the liberties of the house of commons in England, who at this time made a stand against court measures. The lovers of liberty did then apprehend, that two distinct parliaments were less liable by far to be brought into arbitrary measures, than one united parliament. Accordingly, next year, after the Scots parliament had given into the king's measures, and empowered him to nominate commissioners for Scotland, the commons in England turned peremptorily against it, and could not be brought into what they reckoned eversive of their own constitution.

A proclamation was issued out, July 15th, for calling a new parliament; and care was taken to dispose the elections so as the king and the bishops might be exactly served, and any arbitrary and illegal steps taken by the council, approven. I find the king's advocate, September 2d, is ordered by the council, to pursue before the parliament, a process of forfeiture against those guilty of rebellion, 1666, who are excepted forth of his majesty's indemnity, and are not already forfeited, or had not received his majesty's remission. And, October 11th, Lauderdale's commission to represent his majesty in this parliament, is read, and recorded in the council registers. October 19th, this session of parliament was opened with reading the king's letter, which relates only almost to the designed union.* The commissioner, who is intrusted with this great affair, in a speech, which is in print, recommends this matter most earnestly; and, to engage the bishops and their party in parliament, whom he had grated a little in the business of the indulgence, to fall in the more heartily, "He insists at great length upon the king's fixed resolution, unalterably to maintain episcopacy; he commends it highly, and assures them the king will not allow of conventicles, especially since he had granted an indulgence, and presseth the bearing down of them: and, at the conclusion of his speech, effectually to carry the prelates to his side, he again repeats all the assurances formerly given in their favour." The parliament, in their return, which is likewise printed, take notice of the king's letter in every branch of it, and express abundance of loyalty; but do not notice the commissioners' harangue anent the bishops. All the members sign the declaration, which obliged them to maintain episcopacy. Gene-

* "Lord Lauderdale's speech ran upon two heads. The one was, the recommending to their care the preservation of the church, as established by law; upon which he took occasion to express great zeal for episcopacy. The other head related to the union of both kingdoms. All that was done relating to that, was, that an act passed for a treaty about it. And in the following summer, in a subsequent session, commissioners were named, who went up to treat about it. But they made no progress; and the thing fell so soon, that it was very visible it was never intended in good earnest." Burnet's History of his Own Times, vol. i. pp. 417, 418.

Being satisfied that the above is a just and true statement of this case, we do not think it advisable to lumber our pages with any more particular detail of this affair. The reader, who is curious to see with how much seeming seriousness self-interested men, of whatever rank they may be, can talk when they mean nothing, may consult Mackenzie's History of Scotland, where they will find the letter here alluded to, a long speech of Sir George Mackenzie's on the subject of that letter, together with minutes of the proceedings of the commissioners appointed to carry that project into effect. —pp. 143—155, 198—211.—*Ed.*

rally they had taken it before, for there was no great alteration of members from the last parliament. I restrict myself to their actings with relation to the church and presbyterians; and there are only a few acts which look this way.

Their first act this session is, that remarkable and highflying one, "asserting his majesty's supremacy in all cases ecclesiastical, and over all persons;" which I have insert below.* What hath been observed in the former book, upon the oath of allegiance, as it was termed, the declaration, and the acts of parliament 1662 and 1663, will save me the trouble of many things which might come in here; yet so odd and extraordinary an act natively offers not a few remarks.† Such who violently opposed the indulgence, tell us, this act was framed to save the council from the treason they were guilty of, by granting it contrary to standing laws and acts of parliament. Indeed several acts of parliament do seem to run cross to it: the act of restitution, 1662, says, "That all church power is to be regulated and authorized in the exercise thereof, by the archbishops and bishops, who are to put order to all ecclesiastical matters and causes, and to be accountable to his majesty for their administration." And by the 4th act of that same session of parliament, it is expressly ordained and statuted, "That none hereafter be permitted to preach in public, within any diocese, without the license of the ordinary." And, act 1st, sess. 3d, 1663, the king seems to bind up himself in this matter, and promises, "Not to endure, nor give way or connivance to any variation from the established church government." And the same act recommends it to the council, "To punish all preachers without the bishop's license, &c. 1669.

* *Act anent the supremacy, November 16th, 1669.*

The estates of parliament having seriously considered, how necessary it is, for the good and peace of the church and state, that his majesty's power and authority, in relation to matters and persons ecclesiastical, be more clearly asserted by an act of parliament, have therefore thought fit it be enacted, asserted, and declared; likeas, his majesty, with advice and consent of his estates of parliament, doth hereby enact, assert, and declare, That his majesty hath the supreme authority and supremacy over all persons, and in all causes ecclesiastical within this his kingdom; and that by virtue thereof, the ordering and disposal of the external government and policy of the church, doth properly belong to his majesty and his successors, as an inherent right to the crown; and that his majesty and his successors may settle, enact, and emit such constitutions, acts, and orders, concerning the administration of the external government of the church, and the persons employed in the same, and concerning all ecclesiastical meetings, and matters to be proposed and determined therein, as they in their royal wisdom shall think fit; which acts, orders, and constitutions, being recorded in the books of council, and duly published, are to be observed and obeyed by all his majesty's subjects, any law, act, or custom to the contrary notwithstanding: likeas, his majesty, with advice and consent foresaid, doth rescind and annul all laws, acts, and clauses thereof, and all customs and constitutions, civil or ecclesiastic, which are contrary to, or inconsistent with his majesty's supremacy, as it is hereby asserted, and declares the same void and null in all time coming.

† This act was abhorred by all parties, and seems to have been a mere state trick, intended to lay the ecclesiastical power, whoever might exercise it, at the feet of the civil. Burnet was of opinion, it was a contrivance of Lauderdale, who, having found out the secret of the duke of York's religion, intended, by laying the church of Scotland at his mercy, to pave the way for that line of conduct which, on his accession he adopted; and thus to secure himself in his favour.—Burnet's History of his Own Times, vol. i. pp. 418, 419. Sharp, we are told by Mackenzie, preached to this parliament, the first Sabbath after the archbishop of Glasgow had been confined, on which occasion he stated three pretenders to supremacy, the pope, the king, and the general assembly of the presbyterians, all whose several pretences he disproved at great length, "for which," adds the historian, "it was thought he had been turned off if the archbishop of Glasgow had not suffered so lately,—but occasion was taken from this, to propose in the articles that his majesty's supremacy should be yet more fully explained by act of parliament, that no scruple might remain from the extravagant insinuations of either the *jure-divino* episcopist or presbyterian. Most of the lords of the articles inclined to the motion, because by this, all the government of the church would fall in the hands of *Laics*, and especially of counsellors, of which number they were,—and the nobility had been in this, and the former age kept so far under the subjection of insolent church men, that they were more willing to be subject to their prince, than to any such low and mean persons as the clergy, which consisted now of the sons of their own servants or farmers, and the bishops had so far and so often insinuated when his majesty was zealous for their hierarchy, that all power resided in him, and that presbytery was antimonarchical, because it restrained this his just power, as that now the people were induced to believe that the government of the church was but an arbitrary policy, which the magistrate might alter as he pleased."—Mackenzie's History of Scotland, pp. 159, 160.—*Ed.*

1669. as seditious persons." From these it would appear, that the king and privy council had taken upon them to cass those acts of parliament: and, as was now ordinary, the voters in council needed a new act of parliament to save them from guilt in this respect. The two archbishops indeed pleaded the indulgence was contrary to law, and would never be present, or vote in any thing relative thereto. But I do not think the lords of council were in any great apprehensions of their hazard this way. The king's will was declared by the parliament to be their law. The bishops were in their management of church affairs entirely subjected unto the king, their power was entirely derived from the supremacy, and all with respect to the church had been very fairly, though most iniquitously, put into the king's hand; and the counsellors, by the present unhappy constitution, seem safe enough, since the king was made absolute, and parliaments and their acts were but pieces of form, especially as to ecclesiastical matters. The real spring of this act anent the supremacy, seems to have been the little sputter made by the archbishop of Glasgow, and his diocesan synod, this year, against the exercise of the supremacy, when it struck against them; of which some account shall be given in the following Section.

To return to the act itself, the narrative containing the reason of making this act now, is, "The good and peace of the church and state, which required a clear assertion of his majesty's power, in relation to matters and persons ecclesiastical." How far the procedure at Glasgow needed such an assertion, I shall not say: but how the good and peace of any right constitute church, can be advanced "by the utter removal of all church power," I cannot see. It was well known however, our managers opened so plainly against all power ecclesiastic, this positive discovery of the mind of the imposers, did very much put an end to the former debates about the oath of allegiance, as it was called; and is so plain a sense put upon it, that it does not appear, how any after this, who had not abandoned our reformation, yea, the owning of all spiritual power in the church, as a Christian society, could fall in with it. What follows in the assertory part of the act, "supreme authority and supremacy over all persons and causes ecclesiastical," is as full as words can make it, and hath been already considered. What is comprehended in the "external government and policy of the church," I do not well know; but all included in that, is now to be disposed according to the "royal wisdom;" and if the wisdom of the world, to which the things of God are foolishness, think proper to take away all external government and policy, certainly the king is here empowered to do so. If he shall see good to remove the lords the bishops, I know not how they can well complain, since they have consented to it. If a parity in the government of the church be found best, the king hath a door set open to him: but the prelates, no doubt, were persuaded of better things concerning the king. Yea, if royal wisdom should see good, as some of the king's predecessors had done, to write letters unto the holy father the pope, if he should be owned as the universal bishop and centre of unity to the western churches, if his authority and jurisdiction should be again introduced; all is but what the law permits to be done; none of the clergy who went into these measures must complain, and probably few of them would.

Though so vast a power was found proper to be lodged in the hands of so religious a prince as king Charles II. yet, who knew who was to be after him, "a wise man, or a fool?" It appeared then very hard to all real protestants, that such a trust was put likewise in the hands of his successors; especially when the apparent successor was a papist, and his principles obliged him, and this act allowed him to put this church, as to its government and policy, in the hands of the pope. I own, if that which follows were true, that this disposal of the government and policy, "is an inherent right in the crown," it must natively devolve with the crown to the successors: but I hope, none who read the Bible with any reflection, will allow this to inhere in any crown, but his "on whose head are many crowns."

"That the king and his successors may

settle, enact, and emit such constitutions anent church government, persons employed in it, ecclesiastic meetings, and matters to be proposed and determined therein, as they in their royal wisdom shall think fit," is such a thrust at the very being of a church, as an organized body with a head, and a modelled spiritual society, that I doubt if ever a greater was given under colour of law. A set of gentlemen of the principles of the "Tale of a Tub," the "Rights of the Christian Church," the "Essay on Free Thinking," and others who are "a new increase of sinners," unknown to former times, might be excused, had they sat in our parliament: but for Scotsmen, many of whom had taken the covenants, and known better things, to enact such a law, is somewhat more than surprising. The sovereign may act, not only in the government and discipline of the church, which by this law are mere ciphers, but "in all matters which come before church judicatories, and make constitutions," as he pleaseth, without any consent either of church or parliament. I see nothing to hinder the king acting according to this power, from establishing a new religion, and palming a new "Confession of Faith" upon Scotland. This is a grant paramount to the claims of the pope or a general council either. Indeed nothing of church power that I can see, is kept back from the sovereign here.

Next, such acts and constitutions of the "royal pope," being "recorded in the books of council, and published," be what they will, are to be implicitly obeyed by all subjects, without asking questions: and by virtue of this power, the king and parliament rescind all former acts of parliament, that is much; but, which is more, all ecclesiastical acts, which may be found inconsistent with this erastian power in the sovereign. It is well this law is *a non habente potestatem*, and more than any court on earth can do, and materially a cassing and abrogating the scriptural rule.

I shall only further notice, that this act was not only gravaminous to all presbyterians, but many of the prelatists themselves were dissatisfied with it. Mr Collier speaks of it as strong and comprehensive language; and Bishop Kennet says, "It was the dispensing power at the greatest height, and while indulgence was part of the politic of England, all hopes of it were removed in Scotland." It would seem the author knew not, that another indulgence was given in the year 1672. However, the present set of bishops in Scotland, as far as I know, what from one view, what from another, went into it; yet as many of their clergy as had a regard to protestant principles, or owned any spiritual power in the church, and were unwilling to give up all the rights of the "Christian constitution" to the civil magistrate, disliked it. However, it passed, and was a very good mean to advance the present scheme of absolute government in the state. Slavish principles very soon introduce tyranny in practice; and erastianism, as well as popery, is a very good handle for introducing arbitrary government; and a papacy in the state, natively leads to tyranny. 1669.

This was the first and most remarkable act of this session, and I find it very natively followed by the second act, "anent the militia," wherein the power of arming the subjects, and raising them in arms, is likewise placed among the "inherent rights of the crown:" although by many former laws weapon-shewing, and the fencible men in every shire, their being armed for their own defence, is declared to be the privilege of Scotsmen. Thus in the first room our religious and reformation rights, and next our lives and civil liberties, are laid at the king's feet, to be trampled upon.

Their fifth act is, "for the security of the persons of the clergy," whom the law now calls orthodox. This upon the matter hath been already considered, upon the council's proclamation above to the same effect. I find it comes to the parliament, from the privy council. Upon the 20th November, their records run, "An act to be brought into the parliament, ratifying two acts in favours of the orthodox clergy, being read in council the lords approve thereof, and ordain the same to be transmitted to the lords of the articles." This method of transmitting of acts of parliament from the privy council, was both needful to the mana-

1669. gers, and of a considerable use to them; but I leave it to be examined by lawyers. No more observes on the act itself are necessary: every reflecting person must see the necessity of all just measures for the safety of a gospel minister in his parish: and the clergyman's suitable carriage to his station, and the rules of it, will be one of the best guards about him. But this act, when I read it, appeared calculated to serve a party, and containing several unreasonable clauses. It seems hard, that if wicked people shall attack a minister's house or person, and his parishioners, if they do not apprehend and bring to a trial the persons guilty, be made liable to make up the minister's damage, with the interest of it; when, it may be, it was plainly impossible for them to apprehend the rioter; and probably they knew nothing about the attempt, and were never called to assist their minister when insulted. However, as those attacks were designed at first for pretences to keep up a standing army, so afterwards they became a good handle for extorting large sums of money from presbyterian heritors in parishes, perfectly innocent of these riots; and a good occasion for some of the poorer sort of the curates, to get a swinging sum from their parishioners. No more was to be done, but casting themselves in the road of a rabble, and endeavour to get some small thing to be taken out of their houses, and then, to be sure, they had it made up with interest, cent. per cent. profit. However unreasonable this act appears to be as to the particular congregations where the orthodox clergy were, and whatever misimprovement some of them made of it, I would not be understood by these remarks, to vindicate any irregular attempts made upon their persons. It hath been observed, that few or no presbyterians were engaged in those attempts, as far at least as my information bears; but if any were, I leave them to answer for themselves. Upon the whole it will appear, that nothing by some was thought too high at this time, for the orthodox and established clergy, and nothing too severe for presbyterian ministers, and the suffering people who adhered to them.

The 11th act of this session, December 15th, 1669, "Concerning the forfeiture of persons in the late rebellion," deserves a room in this collection; and so the reader will find it below.* It is a ratification of what the council and justiciary had done formerly, as we have heard. From the reading of this act the reader will easily perceive, its design is to cover and cloak former illegal and arbitrary actings, when done. The people concerned were conscious to themselves they had gone contrary to practick and reason, in forfeiting gentlemen in absence, and that they had assumed

* *Act anent ministers, November 30th*, 1669.

Forasmuch as the king's majesty, considering how just and necessary it was, that the orthodox clergy should be protected from the violence of disaffected and disloyal persons, did therefore, with advice of his privy council, by his royal proclamations of the 15th of March, and 13th of June, one thousand six hundred and sixty-seven, command and charge all heritors, liferenters, and others, having any real interest or rent within the several parishes of the kingdom, to protect, defend, and secure the persons, families, and goods of their ministers, not only in the exercise of their ministerial function, but in their dwelling-houses, or being elsewhere within the parish, from all injuries, affronts, and prejudices, which they might incur in their persons or goods from the violence and invasion of any disaffected, disloyal, or other wicked person: with certification, if the actors of such outrages should not be apprehended and brought to trial, by the means and diligence of the parishioners, the parishioners should be decerned to pay to the suffering minister, for reparation, damage, and interest, such a sum and fine as his majesty's council should determine, as is more fully exprest in the said proclamations. And the estates of parliament, having taken to their consideration the proceedings of his majesty's council herein, and finding, that the protection of the orthodox clergy, and the restraining of the insolency of disaffected, disloyal, and wicked persons at this time, did require more nor ordinary means and care from his majesty's council, have therefore thought fit: likens, his majesty, with advice and consent of his estates, doth hereby ratify and approve the two proclamations aforesaid, and the proceedings of his majesty's council in prosecution thereof, and authorizeth them still to prosecute the same, as occasion shall offer, until his majesty in his next parliament give further orders therein: and it is declared, that this act is and shall be but prejudice of any former laws and acts of parliament, made against the invaders of ministers, and of the pains therein contained; and particularly the twenty-seventh act of the eleventh parliament of king James VI. and seventh act of king Charles I. his parliament, in anno 1633, which acts his majesty, with advice foresaid, doth hereby ratify and approve, and declares the same to stand in full force, strength and effect in time coming.

a parliamentary power, in forfeiting the king's vassals in the methods they took: therefore, *ex post facto*, they must have this new law to save their bacon. It is further plain, that in this act there is a parliamentary forfeiture passed upon those persons in absence, and, as far as I can understand, never cited before the parliament, that what the gentlemen had to say against so extraordinary a step, might be heard. In the last room it may be observed, that a parliamentary right and power is here made over to the lords of the justiciary for the time to come; to wit, the forfeiting of all persons of all conditions and ranks in case of rebellion, or rising in arms upon any pretence whatsoever. I need not show how hard this is, to subject the lives and estates of noblemen, gentlemen, and others, to the caprice, humour, and party spite of two or three men; and all in the absence of the parties.—The rest of the acts of this session relate to civil matters, in as far as I have noticed, and so I meddle not with them. The parliament rose upon the 23d of December this year. I come now to cast together several other things relative to presbyterians during this year, which I have passed in the former Sections.

SECT. IV.

Of the continued sufferings of some persons who had been at Pentland, the imprisoned gentlemen, and some other things this year 1669.

My accounts of the sufferings upon the score of conventicles, of the indulgence and procedure of the parliament this year, have run to so great a length; that I shall despatch what further offers, as to the state and sufferings of presbyterians, very quickly.

The council's letter to the archbishops last year was noticed, anent the sending in lists of papists. I find, February 4th, this year, they bring in some lists, and lay them before the council; but it seems their heart was not so much in that necessary work, as in hunting down presbyterians; for the council record it, that many lists are wanting, and refer the whole affair to a committee, whose report I do not meet with this year; and in prosecution of an act made last year against quakers, upon the 24th of June, the laird of Swinton is sent prisoner to Stirling Castle. How long he continued there, I know not. 1669.

Hardships are continued upon such who had been concerned in Pentland. Ireland had been a retreat to some of them; but all pains was taken to discover them in their hidings there: and so John Cuningham of Bedlane came to be apprehended there. Notice was soon given to our managers, and he sent over to Scotland. February 4th, "The council being informed, that John Cuningham sometime of Bedlane, who was in the late rebellion, is apprehended by the lord lieutenant of Ireland, appoint the magistrates of Ayr to receive him as prisoner, when sent over." The same orders are sent to Irvine and Greenock, if he shall be brought into any of these ports, and Bedlane is ordered to be forwarded to Dumbarton Castle. In April, I find he comes over; and after some little time in Glasgow tolbooth, he is sent to Stirling Castle: here he continued a long time, and in Dumbarton Castle, as we may hear upon the after years.

Upon the 10th of June, the council pass a sentence of banishment upon Robert Gibson, Robert Paton, Robert Harper, and William Cuthbertson. They were brought in by Major Cockburn, from the parish of Fenwick, and the country about, and confessed their being at Pentland, and were ordered to be transported to the plantations. I hear many others, whose names are not come to my hand, were served the same way.

Cannon of Mardrogat, of whom before, when it is found his discoveries are not so important as they expected, and yet they find him willing to serve their purposes, upon the 7th of January he hath the liberty of a free prisoner granted him: and upon September 2d, he gets his remission from the king, and afterward proved worthy of it, and not unuseful to the persecutors. Robert Chalmers, of whom likewise in the

1669. former years, gives in a petition to the council, April 6th, and they recommend him to Lauderdale for a remission; and upon the 5th of July it is granted.

The west country gentlemen before mentioned, are this year a little more favourably dealt with, but still continued in their confinement. Sir George Maxwell, February 25th, is allowed to stay some time at Edinburgh about his necessary affairs; and upon March 4th, the council prolong his liberty to continue there till May; and, upon May 5th, it is continued till June: and Cuninghamhead, upon the 25th of February, is allowed by the lords to go to his house at Kirrelaw, until the 15th of March, and that to search for some writs which nearly concern his affairs. This is all I find about them, till the end of this year, these worthy gentlemen were put to no small trouble and charges, in petitioning for these little favours now and then granted; and I take them to have been still in prison at Stirling, except at these times forementioned. Another gentleman I have not met with before, brought under confinement from mere jealousy and suspicion, without any thing laid to his charge, which has come to my knowledge, is colonel Robert Barclay. July 29th, the council, upon his petition, allow him to reside at his own house at Urry, and confine him within three miles about it, until January next: and in August 1670, I find the council take off his restraint. This is all I have anent him. This year likewise, the council now and then are doing some acts of justice to gentlemen, and others, who had been oppressed by Sir William Bannantyne. Upon the 8th of July, I find, upon a petition, Gilbert M'Adam of Waterhead, is ordered to receive up from the clerk one bond of six hundred merks, and another of seven hundred merks, extorted by violence from him by Sir William; and upon the 29th of July, Wallace of Carnel, in the shire of Ayr, gets up a bond of his, extorted by the same man. Many other of Sir William's oppressions escaped the council, and cannot now be recovered.

When the indulgence was resolved upon, and about the time of the granting of it, some lenity was shewed to some presbyterian ministers, who had been long confined, and had no occasion to keep conventicles, save in their rooms in the prison, whither some came and joined with them in worship. Thus Mr Thomas Wylie, of whom before, after he had been, since the (year) 1663, or 1664, confined to Dundee, and in October 1667, had been permitted to come besouth Tay, with an express prohibition to come within four miles of Edinburgh, is, May this year, allowed to come to Edinburgh about necessary affairs; and, June 4th, his liberty is continued without a day, upon his giving bond to appear before the council, when called. This way several of the ministers and others got out their long confinements. August 3d, the privy council being informed of the sober and good carriage of Mr Robert Duncan, late minister at Dumbarny, under his confinement, and that he hath been under restraint for several years, take off the restraint, and declare him free to go about his lawful affairs. And, September 1st, Mr Donald Cargill gives in a petition to the council, begging that his confinement beyond Tay, may be taken off, and he allowed to come to Edinburgh about law affairs. The council allow it to be taken off providing he enact himself not to reside within the town of Glasgow, upon any occasion whatsomever, nor in the town of Edinburgh and suburbs thereof, without warrant from the lords of session and exchequer.

I cannot leave the history of this year, without taking notice of some actings of the archbishop of Glasgow, and his diocesan meeting there, at this time, about the king's supremacy, which made a very great noise, and issued in the demission of the archbishop, and a council process against two of the members of the synod. Most part of this account I shall draw from the records of the council. The greatest part, by far, of the indulged ministers, were in the bounds of the diocese of Glasgow; and the liberty granted to presbyterian ministers, did exceedingly gall the bishop and his underlings. Accordingly, when they meet in their synod, in September this year, the bishop and they

agree upon a paper, entitled "A Remonstrance."* I have not seen it; but by papers writ about this time, it is said to contain a heavy complaint against the indulgence, and the council's placing persons, lying under ecclesiastic censures, into the ministry at their old charges, or elsewhere, when neither the bishop or synod had ever given the least shadow of relaxation from those censures. This paper likewise bore pretty hard upon the king's supremacy in ecclesiastic matters; and no great regard was shown in it, either to the acts of parliament made about this, or the oaths the members of the synod were under to maintain and support it. The prelates and "passive obedience" gentlemen, when the sovereign goes their way, have nothing but the praises of the prerogative, and unlimited power of the prince in their mouth; but when they are crossed, and touched in their own tender points, they can kick and fling against a court, as well as others. As long as the king's supremacy was exerted for the inbringing, support, and maintenance of the bishops, none are so fond of it as they; and it is preached up as an inherent right of the crown, and what not. Let the tables be turned but a little, and a few presbyterian ministers indulged, and some restraint laid upon their persecuting spirit, "nature rebels against principle," and the passive prelates alter their note. How happy a thing is it, when all matters and persons are kept within their just and reasonable limits and boundaries!

Such a paper as this could not but very soon make a noise, being so plain an attack upon the managers; and so I find, upon the last of September, the council have this affair before them. I shall insert their own words. "The lords of privy council being informed, that, in the late synod holden at Glasgow, some papers were agitated, debated, and passed, under the name of petition, remonstrance, or grievances, which may tend, in the consequences thereof, to the prejudice of his majesty's authority, and of the peace of his government; they do therefore recommend to, and require the lord archbishop of Glasgow, forthwith to call for the foresaid papers, in whose hands soever they be, and to present them before the council, at their meeting October 14th next. As also, that he require Mr James Ramsay, dean of Glasgow (the deans of Hamilton, where he now was, were deans of Glasgow likewise, as I am told) and Mr Arthur Ross, parson of Glasgow, who were the persons who formed and drew these papers, and were nominated for presenting and prosecuting the same, to compear before the council the same day: and further, require the archbishop to produce before the council, the day foresaid, the clerk of the synod, and the public records thereof, with all the minutes, votes, and acts passed therein; and that he take a special care that no copies be given of these papers, nor no further proceeding therein, nor prosecution thereof, until the lords of his majesty's privy council, having seen and considered the same, give further orders thereanent." I find the archbishop is in this sederunt of council, and it is the last time I find him there for several years. Upon October 14th, the commissioner Lauderdale produceth before the council, a paper sent by the archbishop of Glasgow; and, after reading it, it is remitted to the consideration of the following committee, duke Hamilton, earls of Tweeddale and Kincardine, the register, advocate, and the chancellor, who is supernumerary. Their report is made, October 16th; and the council form the following act "condemning a paper passed in the synod of Glasgow." 1669.

"Forasmuch as the lords of his majesty's privy council being informed, that in the late meeting of the archbishop, and a part of the synod of Glasgow, there was a paper agitated and passed, in name of the arch-

* "A copy of this was procured by indirect methods, and it was sent up to court. As soon as the king saw it, he said it was a new western remonstrance, and he ordered that Burnet should not be suffered to come to the parliament, and that he should be proceeded against as far as the law could carry the matter."—Burnet's History of his Own Times, vol. i. p. 417. "Nor was this paper," says Sir George Mackenzie, "less seditious than the remonstrance, nor the archbishop of Glasgow, more innocent than James Guthrie, for both equally designed to debar the king from interposing any way in the affairs of the church." History of Scotland, p. 157, 158.—*Ed.*

1669. bishop and synod, tending, in the consequences thereof, to the prejudice of his majesty's authority, and the peace of his government, did ordain the same to be produced before them: which being accordingly now done, and owned by the archbishop, dean, and parson of Glasgow, to be the true paper; and the council having considered the same, and having also considered the depositions of the said dean and parson of Glasgow, who were employed in the drawing thereof, do find and declare the same to be, in itself, a paper of a dangerous nature and consequence, tending toward the depraving of his majesty's laws, and misconstructing of the proceedings of his majesty and his council, and in the manner of conveying thereof, to be most illegal and unwarrantable; and do therefore ordain the same to be suppressed, and no copies thereof to be kept by any; and discharge all his majesty's lieges, of what quality or function soever, from owning or countenancing the said paper, or any other paper or purposes of that nature hereafter, under the pains contained in the acts of parliament made thereanent; and desire his majesty's commissioner, humbly to offer his majesty an account of their proceedings in this matter, together with the paper itself, to the end his majesty may declare his further pleasure: and ordain the clerks of council to deliver up to his majesty's commissioner, the principal paper passed in the synod of Glasgow, with the depositions of the dean and parson of Glasgow thereanent, and an extract of this act of council to be transmitted to the king.

When this matter was considered by the king, a letter came down about December, laying aside archbishop Burnet from acting any more as archbishop of Glasgow. He must submit to the royal supremacy, the author of his being, as a bishop. His own vote, that the management of the external government and policy of the church, and the ordering of all church affairs belonged to the crown, bound him down to this piece of passive obedience.* Accordingly, January 6th, 1670, the commissioner represents in council, that the archbishop of Glasgow had demitted his office and dignity in his majesty's hands, and desired his name might be put out of the rolls of council, as being no more a member of it. Mr James Ramsay dean of Hamilton, and Mr Arthur Ross parson of Glasgow, the bishop's great tools in the remonstrance, were examined very narrowly by the council; and as we have heard, declared all they knew, upon oath; and, after having owned their fault, and got a reprimand from the council, the king pardons them, and they are remanded back to their charges: but the archbishop is made a sacrifice to the royal supremacy, and falls, for a while, a kind of joint confessor with suffering presbyterians. *Nec lex est justior ulla*, &c. And, for some years, Mr Robert Leighton, bishop of Dumblane, had the archbishopric of Glasgow in *commendam*, till Burnet was restored again; which, as was then believed, was by gross simony. And that I may cast the whole of this together, the archbishop's restoration was said to be thus. The bishop's daughter was married to the heir of the estate of Elphinston, and had a very large annuity secured upon the estate; her husband died very quickly from her: the gentleman who fell next to the lordship of Elphinston, came in suit of my lord Haltoun's daughter. My lord knew very well how to bestow his children, and was unwilling to engage in an estate so considerably burdened with the bishop's daughter's jointure. At length this expedient is fallen on; the young lady is prevailed upon to give a discharge, and make a renunciation of her jointure upon Elphinston's estate, and my lord Haltoun found means to get the archbishop her father restored to his office and benefice. This made some say, that the bishop's money, who gave his daughter an equivalent, was taken, and that of Simon Magus was not. From this account we may notice, how much a stranger to this affair Mr Collier is, in the narrative he gives of it, vol. ii. p. 895. Justly enough he observes, that the act assertory of the king's

* Burnet remarks, "by the act of supremacy, the king was now master, and could turn out bishops at pleasure. This had its first effect on Burnet, who was offered a pension if he

supremacy, "is penned in strong comprehensive language:" but what follows does not agree with the facts already laid down. "By virtue of this act, Burnet, archbishop of Glasgow, was dispossessed of his see, and Dr Leighton put in his place. This remove was made by the high commissioner, Lauderdale. However, the court being sensible that this was pushing the regale to an unusual extent, gave Leighton only the title of commendator of Glasgow till archbishop Burnet was prevailed with to sign a resignation: but this being looked upon as an involuntary cession, the Scottish bishops were shocked at it. The archbishop of Canterbury likewise, and the rest of the English prelates, thought the common interest of their order affected, and that the episcopal authority was struck at in the Glasgow precedent. In short they solicited so heartily in the cause, and represented the business in so persuasive a manner to the king, that his majesty revoked his proceedings, and archbishop Burnet was restored."

This considerable change in the diocese of Glasgow made some alteration in the treatment of presbyterians in the west, as I shall next year have occasion to observe: and particularly, it seems to have opened a door for the setting at liberty the west country gentlemen, who had been so long under confinement. Burnet had been a most violent pusher of the persecution; and it was generally believed, that it was through his influence, and from some base design he had in view, that several of them were incarcerate in the (year) 1665. This is certain, that he had been at court; and, as soon as he came home, warrants were issued out for apprehending Cuninghamhead, Rowallan, and Nether-Pollock, and the others before named. The gentlemen were living peaceably at home, expecting no such treatment, and a reason was never given them, why they were imprisoned; and, by all the informations they could have, the archbishop was the spring of all their trouble. The three just now named, we have heard, were continued under confinement, when others got out upon the bond of peace, 1668: and, towards the end of this year, as far as I can guess, they gave in the following supplication unto Lauderdale, who was commissioner and secretary. 1669.

"To the right honourable the commissioner his grace, the humble supplication of Sir William Cuningham of Cuninghamhead, Sir William Mure of Rowallan, and Sir George Maxwell of Nether-Pollock, showeth,—That whereas, being detained more than these four years prisoners, to our heavy prejudice in our persons, families and affairs; and seeing we are, through the grace of God, still resolved to continue in all faithful duty and loyalty to our dread sovereign, and due respect to the peace and welfare of the kingdom; may it therefore please your grace, in consideration of the premisses, to order our releasement; whereby your grace shall not more evidence his majesty's goodness, and your own affection to his majesty's service, than oblige, to all thankful acknowledgment, your grace's most humble supplicants and servants,

"CUNINGHAMHEAD,
ROWALLAN,
NETHER-POLLOCK."

The reader will observe with me, the caution and faithfulness of those honourable and excellent confessors for the truth, and presbytery. Like good subjects as they were, and still had been, they engage to continue in all faithful duty and loyalty to the king, and due respect to the peace of the kingdom: and yet, as became covenanted presbyterians, they prudently keep themselves free of any promises to subject to, or approve the supremacy and constitution of the church. Upon this supplication, Lauderdale, as commissioner and great manager,

would submit and resign, and was threatened to be treated more severely if he stood out. He complied, and retired to a private state of life, and bore his disgrace better than he had done his honours. He lived four years in the shade, and was generally much pitied. He was of himself good natured, and sincere, but was much in the power of others. He meddled too much in that which did not belong to him, and (which) he did not understand, for he was not cut out for a court or for the ministry, and he was too remiss in that which was properly his business, and which he understood to a good degree, for he took no manner of care of the spiritual part of his function."—Burnet's History of his Own Times, vol. i. pp. 421, 422.—*Ed.*

1669. orders their liberation from Stirling castle, where, I think, all the three were. I suppose it was much about this time, that the other two worthy gentlemen, Sir James Stuart, and Sir John Chiesly, were liberate, since I find no more account of them in the council registers after this year; but I have no particular accounts of the circumstances of their liberation.

Nothing more remarkable offers this year, unless it be two attempts made upon curates by some persons in the end of the year; some hints of which I find in the council-books. "Upon October 20th, the privy council being informed of a horrid insolence, committed upon the person of Mr John Row, minister at Balmaclellan in Galloway, do ordain all accessory to it, to be cited in to Edinburgh, to compear before the council; and likewise the parishioners of Balmaclellan, to hear and see themselves fined, and otherwise censured, according to the acts of council in March and June, 1667." Mr Row's complaint bears, that three persons upon the 30th of September, came into his house in women's clothes, about nine of the clock at night, and took him out of his bed, and beat him, and broke up trunks, presses, &c. and took away what they pleased. All this is libelled, and Mr Thomas Warner, James Grier of Milmark his father in law, Gordon of Holm, Gordon of Gordonston, John Carsan, and James Chalmers, heritors there, are charged as acters, committers, at least contrivers and assisters, at least, have since supplied or reset them. The diet being short, and the distance great, they came not up to the first day, and were all found guilty upon their non-compearance, and the heritors and life-renters of Balmaclellan are decerned to pay Mr Row one thousand two hundred pounds Scots, by the council, November 26th. As soon as these persons, and the other heritors from that parish could, they came to Edinburgh, and appeared before the council, and offered to stand their trial: but nothing could be proven against any of them, neither, as far as I can learn, were any of the parish concerned in that riot. However, the gentlemen were ordered to pay their shares of the fine imposed. This man Row was indeed a very ill instrument in the severities in that country, and in a little time discovered what he really was, by apostatizing unto popery.

Another instance of this nature I find in a petition from Mr John Lyon, curate at Orr, in that same country, November 26th. He complains, that upon the —— day of November, three persons came in disguise to his house, dragged his wife out at the door, and searched for himself, but missed him, and spoiled his house. The presbytery attests the account: and the council decern the parish to pay six hundred pounds to him, and order out letters against one John Smith, alleged to be concerned in this attempt.

CHAP. V.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS IN THE YEAR 1670.

DURING this year, the presbyterians 1670. in the west had some breathing time, partly by the indulgence, and in part from the laying aside of archbishop Burnet: yet the indulgence was, piece by piece, curtailed, and rendered as uneasy as might well be, and conventicles were borne down very much, and several outed ministers brought to no small difficulties. The parliament which sat in July, made new and gravaminous laws; and this year is closed up with a cunning and ensnaring proposal from bishop Leighton, now enjoying the bishopric of Glasgow in *commendam*, for an accommodation and comprehension. Those things may be materials for the following sections.

SECT. I.

Of the condition of the indulged, the persecution for conventicles, the hardships put upon several ministers and gentlemen this year, 1670.

WHEN the indulgence could not be prevented altogether last year, the bishops and their party, now endeavour to make it as uneasy to presbyterian ministers and people, as they can. As soone as the council had

resolved upon the granting that favour, the prelates laid out themselves to their utmost, to prevent its taking effect in the places where it was designed. Vacancies in the south and west were planted with all possible expedition, that so presbyterian ministers might not have access to them; and they made no great matter who was put in upon the people, provided a presbyterian minister was held out. The curates when once planted, were by all methods kept in, though never so ignorant, vicious, or profane. This I take to be one occasion of the insults of some angry people, upon some few of the incumbents, the end of the last, and this year, which have and shall be noticed as I go through. Bishop Leighton indeed made some little efforts to try some of the curates under his inspection, but we shall find it was in a very superficial manner. It was only a very few parishes, providentially vacant, the indulged had access to, and several essays were made to get them outed even from these, and regular ministers, as they were termed, settled in them. Yea, even in some of the places to which the council named presbyterian ministers, methods were fallen upon to get in curates, before they came to them. One instance of this I cannot omit in the case of the reverend Mr John Park, indulged to the burgh of Stranraer, which made a very great noise, and was decided most partially, the close of the last year or the beginning of this. This worthy person was a man of great solidity, very sufficient learning, and is the author of the treatise upon Patronages, so well known in this church. The book was published, and, as I am informed, considerably enlarged by his son, Mr Robert Park, clerk to the general assembly after the revolution, and town clerk of Glasgow, a young gentleman of eminent piety, and great sufficiency in the civil and canon law, who was basely murdered in the clerk's chamber at Glasgow, a little after the revolution. To prevent Mr Park's return to Stranraer, the bishop of Galloway admits one Nasmith at that kirk, three days after Mr Park was indulged by the council. The town and parish would give no countenance to Mr Nasmith's admission, but, as one man, adhered to their former minister. The bishop causes summon all parties in to Edinburgh, 1670. that the council might determine the competition. There favour was expected, and got.

When Mr Park appears before the council, instead of the question of precedency between Mr Nasmith's admission and his act of indulgence, which was the point upon which he was cited; Mr Nasmith libels Mr Park for causing lock the church doors against him, after his admission by the bishop; the falsity of which was made appear by many of the people of Stranraer, cited in for their adherence to Mr Park. Further, he accused Mr Park of engaging several gentlemen about to leave their churches, and come and hear him; and of seditious doctrine. The witnesses adduced proved nothing, and Mr Park entirely vindicated himself; notwithstanding very mean and base methods used to circumvene the witnesses upon oath, with captious and involved questions, such as, "Did not you hear Mr Park pray? 'Lord pluck up every plant which our Father in heaven hath not planted,' meaning the bishops." Yet all would not do, and the committee to whom the consideration of the libel was remitted, brought in the libel not proven. At length the council come to the competition, and when it was alleged for Mr Nasmith, that his presentation was prior to Mr Park's, and answered by Mr Park, That it was *a non habente potestatem*, the king being patron, and the bishop having most illegally taken upon him to present; and although Mr Park's act was evidently prior to Mr Nasmith's admission, yet such was the justice of these times, that the council without ever so much as hearing Mr Park upon that head, determine the preference to Mr Nasmith.

To return to the ministers who got access when they were settled in their charges, they soon came to understand their case, and straitening circumstances, to be worse than they expected. Indeed I find, the council, upon the first of January this year, order the payment of their stipends: and their act runs, "The council being resolved, that the ministers allowed to preach shall

1670. have the stipend for the year and crop 1669, order it to be paid: and as to the Ann due to some of the relicts and ministers, they ordain eight hundred merks to be paid by the collector, and four hundred if only half a year was served for." But then hardships in abundance were put upon them in the exercise of their ministry. The prelates complained to the council, that the indulged ministers lectured and expounded a portion of scripture to the people before forenoon's sermon; which, as it had been most iniquitously laid aside by the prelatic preachers since the restoration, so they alleged it was a hurtful innovation, and what the indulged had no warrant from authority for. They further complained, that such persons were not allowed by them to sit in their sessions, who had joined in discipline with the conformist ministers. What ground there was for the last complaint, I have not learned; it is not improbable they would choose persons, as firm to presbyterian principles as they could, to be members of their sessions.

It is very true the indulged, generally speaking, did lecture, unless, it may be, in the winter season, when the day was so short, that a lecture and two sermons could not be kept up, without casting the people at distance very late. And I am informed, that the ministers met together after getting the indulgence, and agreed to keep up lecturing, and begin where they left in explaining the scripture, when forced from their churches. They knew, that the laying aside lecturing, was one of the badges of conformity, since the (year) 1662, and were much persuaded, that this manner of expounding of scripture was very useful and instructive to their people, and had been the constant practice of this church, and is recommended in the Directory compiled at Westminster, and approven by our general assemblies. Those they took to be sufficient grounds to continue in this practice. However, the council discharge it by their act, January 13th, as follows. "The council understanding, that several of the ministers allowed by their special warrant to preach, do use, before they begin their sermon, to lecture upon some part of the scripture; and considering that this form was never used in this church before the late troubles, and is not warranted by authority, do discharge the same, with certification, that if they continue to use it, they shall be discharged the exercise of their ministry within this kingdom: and order extracts of this to be sent to each minister." That the indulged ministers were not warranted by authority for lecturing, is a mere fetch of the bishops. They are plainly warranted to "exercise all the functions of the ministry," as well as to preach; and though the prelates and their underlings had laid aside this practice, yet that made it not the less a very proper work of the ministry. How far the matter of fact is true, which the bishops make the council to say in their act, that lecturing was not used before the (year) 1638, in this church, I do not know: but this I have remarked, that many of the sermons of our reformers and ministers, after the reformation, were upon the matter lectures, and generally a good many verses were gone through, and apposite and practical notes raised from them, and these but very briefly applied. In short, no solid objection can be formed against this practice, nor any thing of weight brought; unless we turn papists, and allege that it is dangerous to have people understand the scriptures, and that ignorance is the mother of devotion.

We shall hear upon the following section, that a committee of council came west in April this year; and, among other parts of their work, are empowered to try the carriage of the indulged ministers in their congregations. What relates to the examination of the indulged, I shall bring in here, and leave other things they did, to their own room. This committee was mostly urged by the bishops, to be a check upon the allowed ministers, and to persecute for nonconformity. Upon the accounts of this committee, the brethren who had accepted the indulgence, with a good many others who had not this favour, met together to consider what was fit to be done upon this new emergent. They foresaw they would be challenged for lecturing, which was prescribed by the approven Directory,

and which is more agreeable unto scripture institution. They were now in *casu confessionis*, and it was the general opinion of the meeting, they should keep it up. However, I am informed there had been different practices among them, as to this public exercise. Some were settled in the winter time, and had forborne it, and others were said to have had some notice of trouble designed against them upon this score. Others altered their former way, and, instead of one chapter, or a part of a large one, read two or more chapters, as what was nearest the prescription in the Directory; and were blamed by some for taking this juncture to alter their method. Others read a whole chapter, and pitched upon some verse of it for their text, and, in opening the text, explained the context; and some lectured in place of the afternoon's sermon.* Those different practices neither satisfied the committee of council when inquired into, nor were all their hearers pleased with them. Their management now was extremely difficult, and the lives of these excellent persons were made some way bitter to them, through hardships upon all hands. Mr John Livingstone, in his letter this year to his flock at Ancrum, censures them for their falling into those different ways, and yet puts a high encomium upon the ministers themselves.

When the committee came to Glasgow, in April, the indulged ministers in that neighbourhood were called before them, and interrogated one by one, whether they had baptized or married any out of their own congregations without testimonials: and especially, whether they had lectured since the council's act discharging it. According to their different practices they answered, and generally they told, that they read and explained a chapter or two, but kept within half an hour. When they were asked, what they resolved to do in time coming, by the president duke Hamilton, one of them said, that they would do as they had done formerly, which he hoped their lordships would not be offended at. All of them subscribed their answers, and were dismissed. Next week the committee went to Ayr, and the indulged ministers in that shire appeared before them. There matters passed much the same way as at Glasgow. As to lecturing, they gave a naked representation of their practice; and as to the time to come, they answered, they would continue in reading and explaining scripture, as far as time would permit; and signed their answers. It was generally expected, that when the report was made to the council, all their licenses would be taken from them; but the Lord had more work to do by them, and moderate measures prevailed. This is what I have observed this year anent the indulged. 1670.

I come now to take a view of the procedure of the managers against conventicles, and the sufferings of considerable numbers of good people upon this score. Lauderdale, in urging the indulgence, alleged, it would be the most effectual way to bear down conventicles; and accordingly it was given to such ministers as were reckoned the wisest, and of greatest reputation, and in such parishes where the people, and especially the heritors and gentry, were most inclined to the presbyterian establishment. Meanwhile new proclamations, and severe executions of the former, against conventicles, were urged and effectuated this year. Afterwards we shall meet with the acts of parliament in this matter: I come here to consider the procedure of council.

January 13th, the commissioner orders the instructions to the forces, November 1667, noticed above, to be sent again to the soldiers, with this additional clause, added by the council, to the officers. "Upon notice of any numerous conventicle kept since November 1st last past, or to be kept hereafter, you shall do your utmost endeavour to seize the minister, and send him into Edinburgh with a party, and the names of such as can bear witness in the thing. You are also to seize the most considerable heritors and tenants present, and require bond and caution to appear

* Mr Wodrow has already told us that he does not consider the indulgence as forming any part of the sufferings of the church of Scotland. We should have been glad to know what he made of all this.—*Ed.*

1670. before the council at a certain day; and if they refuse to give surety, send them in with a party, with a list of persons who can witness against them." This instruction made the soldiers very severe, and, with what followed, both forced ministers and people to the fields, where they had better access to disperse than in a house, and put some to bring arms with them, to defend themselves and their ministers. Those instructions are followed with a printed proclamation against conventicles, agreed upon in council, which I have insert, at the foot of the page.* The reader will observe, that it runs a little more severe than the former papers of this nature. I shall not make large remarks upon it. The army are hounded out upon presbyterians by the instructions just now spoken of, and the whole magistrates through the country joined with them in this persecution. The country is oppressed, and the soldiers encouraged, by the large sums paid them when engaged in this work; and, as was observed, this violence obliged ministers and people to take the fields, and defend themselves the best way they could.

The council being informed, February 10th, that two numerous conventicles were kept lately in and about Kirkintilloch, a few miles east from Glasgow, send orders to the earl of Linlithgow, who gave the information, to seize the persons of Mr James Hamilton and Mr —— Mitchell, who preached; and send them into Edinburgh; but I do not find they were at this time catched.

In the beginning of March, the council call for the magistrates of Edinburgh, and give them up their bond last year anent conventicles, and require them to give another in the same terms for this year. They very willingly give it. And in prosecution of this obligation against conventicles, April 7th, the same magistrates are ordered to search for and seize the persons of all the outed ministers within the town, excepting such as have warrant from the privy council, and to imprison them. And such as have warrant are to enact themselves under bond and caution, not to keep conventicles during their stay there; and if they refuse, immediately to imprison them.

The council's committee sent to the west country in April this year, as we shall find by their instructions, are appointed to inquire into conventicles, and punish them. I have but very few accounts of their procedure; only at Glasgow the curates gave in lists of considerable numbers in their respective parishes, who were guilty of nonconformity, and alleged keeping of conventicles; and some were fined upon these

* *Proclamation anent conventicles, February 3rd, 1670.*

Charles, &c. Forasmuch as we have taken into consideration the disorderly carriage of several heritors, outed ministers, tenants, and others of the commons within this kingdom, by their keeping of conventicles, and baptizing of their children by persons not publicly authorized and allowed, which not only foments and nourishes separation and schism, but tends to sedition and disturbance of the public peace: we therefore, with advice of the lords of our privy council, do hereby require all sheriffs, stewarts, bailies of regality, and their deputes, magistrates of burghs, in their respective bounds, and commissioners of the militia, to inform themselves where such conventicles have been kept, since the 19th day of October last, or shall happen to be kept thereafter, and to call before them the ministers who have preached, or shall preach at them, the heritors, and substantial tenants who have been or shall be present, or have had their children baptized since the said 19th day of October, or shall procure them to be baptized by any not allowed or authorized to do the same, and according as they shall find any of them guilty, that they take caution of them for their appearance before the council, whenever they shall be called; and in case any of them be called before the said sheriffs, stewarts, bailies, or magistrates foresaid, and compear not, or compearing shall refuse to give caution, that they, with the advice or concurrence of the captain, lieutenant, or cornet of any of the militia troops of the shire, seize upon their persons, and send them to the lords of our council by a party, which party shall be paid at 18 shillings Scots a day for each horseman, and three shillings sterling for the officer who shall command from the time of their setting forth till their return, and that they send along with them any process or evidence they have received of their guiltiness, and ordains the said sheriff, stewart, bailie, magistrate, or commissioner of militia from time to time, to give an account of their diligence to our council.

ROTHES, Chancellor, HALKERTON,
MARSHALL, BELLENDEN,
HAMILTON, WILL. DRUMMOND,
MORTON, JOHN NISBET,
ATHOLE, LOCKHART,
AIRLY, HUME,
TWEEDDALE, CH. MAITLAND,
DUNDONALD, ROBERT MURRAY.
SINCLAIR,

scores, but particulars I have not been able to recover.

Elizabeth Cuningham, Lady Hilderston, I find, May 12th, is fined by the council in four hundred merks, for one conventicle kept in her house; and several persons were brought to trouble for that same meeting. Nicol Gardner, merchant in Edinburgh, is fined in two hundred pounds, for baptizing a child of his there; and which was far more uneasy to him, and hard in itself, he is ordained to lie in close prison until he discover who was the minister. And further, James Clarkson, Archibald Henry, William Leick, merchants in Edinburgh, and David Jamie, tailor there, are fined in one hundred pounds each, for being at the said house-conventicle. Had the managers got as much for every house-conventicle, they would have soon gathered in all the money in Scotland. And over and above all these, I find the council, this same sederunt, fine the magistrates of Edinburgh, according to their bond, in fifty pounds sterling, and allow them reparation from such of the inhabitants as they shall find guilty. I shall have occasion, ere I end this section, to notice some harassings for two or three remarkable field-conventicles in June and July this year; so here I only notice Robert Burns in Glasgow, fined by the council, July 29th, for the above mentioned conventicle at Kirkintilloch, in a hundred merks. I observe for some time most part of the fines are appointed by the council to be given to the widows and children of ministers who suffered for their loyalty before the restoration; who these were, hath been noticed, ministers deposed for error, scandal, insufficiency, and malignancy.

Upon the 11th of August, the council come to lay down methods for suppressing conventicles, and examining the ministers who shall, in time to come, appear before them upon that score; which I give here from the registers.

Apud Edinburgum, August 11th, 1670.

" Sederunt, the lord commissioner his grace, chancellor, St Andrews, privy seal, Lennox, Hamilton, Morton, Caithness, Murray, Athole, Linlithgow, Dunfermline, Roxburgh, Kellie, Dumfries, Weems, Airly, Annandale, Tweeddale, Kincardine, Dundonald, Drumlanrig, Yester, Belhaven, Duffus, Bellenden, president of session, register, advocate, justice-clerk, Lee, Haltoun, Niddry, Sir Andrew Ramsay. 1670.

" The lords of the committee appointed for considering of the fittest ways and means for suppressing of conventicles, having brought in several proposals to the council thereanent, to be offered to the articles; as also anent the assaulting of ministers' persons and houses, and disorderly baptizing of children; the same being considered, agreed to, and voted, were appointed to be transmitted to the lords of the articles.

" The committee having offered it as their opinion, that the interrogatories underwritten should be put to such ministers as should be called before the council, the same being agreed to, were ordered to be recorded.

" 1. Do you ordinarily resort to the ordinances in the parish church where you live, and are you resolved to do so in time coming? 2. Have you kept any conventicles since Michaelmas last, either in houses or the fields; and are you resolved to forbear for the future, and to live according to law, as to that point? 3. Such ministers as have lived orderly, or will promise to live orderly in time coming, are to be dismissed without putting any judicial declaration to them; the clerk being to mark what they promise thereanent. 4. The declaration following is to be put to such as have lived orderly, and yet will not agree so to do for the future. 'I, A. B. promise that I shall ordinarily frequent the ordinances in the parish church where my residence shall be for the time, and that I shall not preach, nor assist either in houses or in the fields at any conventicles.' 5. Such as have not lived orderly, nor will engage to live orderly, and to forbear to be present at, or keep conventicles in the future, the following declaration is to be put to them. 'I, A. B. oblige myself, I shall not, upon any colour or pretext whatsomever, rise in arms against the king's majesty, or any having his authority or commission, nor shall assist

1670. nor countenance any who shall so rise in arms.' 6. Such as are cited, and do not compear, are to be declared fugitives. 7. Those who refuse the first declaration, are to be confined; and those who do not give the second, are to be put in prison, and thereafter banished."—What use was made of these proposals will best appear from the severe acts of parliament made this year, which I leave to a section by themselves.

By this time the reader hath some view of the trouble a good many were brought unto for conventicles during this year, and we shall meet with some things yet harsher, if once I had considered the harassings of some of the outed ministers, and presbyterian gentlemen. Among the ministers, the order of time leads me to begin with the reverend Mr Andrew Morton, minister of the gospel at Carmunnock, in the shire of Lanark. He had been outed from his parish with the rest of his brethren, and living oft-times at Glasgow, now and then he did preach and keep conventicles among his parishioners. Upon information by Mr Robert Boyd, curate there, he was, by an order from the commissioner, apprehended, and brought into Edinburgh, and January 14th, I find the council order "the magistrates of Edinburgh to receive the person of Mr Andrew Morton prisoner, and keep him close from all company." There he is brought before the earl of Kincardine, and the king's advocate, and asked, if he had preached at Carmunnock since he was silenced? He acknowledged he had. His examinators blamed him very hard for contempt of the law, and breaking a settled congregation. He replied, that he contemned not the laws, but reckoned there was a great necessity of preaching the gospel, when ignorance and profanity abounded, and many souls were perishing for lack of knowledge; and added, he had not broken the congregation, for they had withdrawn from the present incumbent, before he preached among them. They further questioned him, how many had heard him? He answered he could not tell: they then asked, who had heard him, and in whose house he had preached? To this his return was, it was hard to make him inform against others; and he hoped and entreated their lordships would forbear him in this, since he so ingenuously confessed in what concerned himself. They made him sign his answers. When those where laid before the council, he was called in, and they were read to him, and the chancellor pronounced his sentence, that he was to be continued close prisoner in Edinburgh, until he should be transported to Stirling Castle, there to remain during the council's pleasure. Accordingly, January 27th, I find him sent by the council's order to Stirling, and there he continued prisoner until the 3d of November, when by reason of bodily indisposition, contracted by this confinement, he was liberate, and confined to his own house at Glasgow, during pleasure. And he enacted himself to compear when he should be called; and during his abode at Glasgow, he preached almost every day to such of the citizens as came to hear him, except the Wednesday, which he reserved for the people of his own congregation, who, being within four miles, came in in good numbers that day, and he preached to them.

Much about the same time, Mr Hugh Archibald, Minister at Strathaven, and Mr John Rae, minister at Symington, in Biggar presbytery, were apprehended, for preaching and baptizing in houses, and sent in to Edinburgh; and, after some examination, were sent to Stirling likewise. I find, March 3d, Mr John Rae is ordered by the council to be carried from the tolbooth of the Canongate, to Stirling Castle. I have no more about them.

Mr George Johnston, minister at Newbottle, is seized in April at Edinburgh; and the council's act anent him is, "The lords of privy council being informed of frequent conventicles kept in Edinburgh; and the magistrates having, in obedience to an ordinance of council, presented Mr George Johnston, late minister at Newbottle, before them, and he having refused to engage himself not to keep conventicles, banish him from Edinburgh, and confine him to the parish of Borthwick during the council's pleasure; and order him to enact himself to keep his confinement: which he does. The

town of Edinburgh had been a great shelter to the outed ministers; and, we have heard, that the council, about this time, had ordered the magistrates to turn them all out. A list of them had been given in by the bishop, and by the council put into the provost's hands. When he sent the town officers to seize them, none was found but Mr George Johnston, whom, though a very near relation of his own, he presented before the council. When Mr Johnston was examined, he owned his preaching upon week days, and the Lord's day after four o'clock, when public worship was over; and when he would not engage, as above, he is banished the town, and confined to Borthwick. The provost sent orders to the houses of the rest of the presbyterian ministers in town, to remove their families presently out of town, and never to return to it, without giving him account, and signifying the places where they lodged, upon the highest pains: and further, ordered soldiers presently to go and quarter in their houses, till they removed. Thus their families were frighted and insulted, and some of them in danger of their life. They were forced to seek a new shelter, and many of them did not know well where to go; but the Lord wonderfully provided for them. Upon November 24th, I find the council allow Mr George Johnston to come in to Edinburgh, for six weeks, about some necessary business he had to do: and before he leaves the town, his confinement to Borthwick is taken off; but he is discharged from coming to Edinburgh without permission, or living in the Canongate, or any of the liberties of the town.

Other ministers were dealt by yet more hardly. August 11th, I find a decreet of the king's advocate, against Mr James Hamilton, late minister at Blantyre, Mr James Mitchell, Mr James Porter, Mr John Dickson, late minister at Rutherglen, and Mr John Blackadder, late minister at Traquair. They are libelled before the council, for making it their work to hold conventicles in houses and the fields; and being, after citation, called, and not compearing, for the reasons already pointed at, they are all of them, in absence, denounced and put to the horn. This severe treatment of them and many others, 1670. put them under a necessity to wander up and down the country, and preach in the fields as they had access. About the 15th of August, Mr Robert Landass, after the revolution, minister of the gospel at Blantyre, and for some time in Glasgow, at this time, I think, but a preacher, was apprehended, and made prisoner at Edinburgh for six weeks. All they had to lay to his charge, was, that once, about a year ago, he had exercised in a private family. Upon the 29th of September the council order his liberation. Mr Hugh Peebles, of whom before, was brought before the council, August 28th. Nothing could be proven against him: but when interrogated, if he would engage in time coming to keep no conventicles, nor to preach or exercise in any family but his own, he refused to come under any such ties. The council confine him to Dunbarton, and a mile round it.

Some presbyterian gentlemen wanted not their share of suffering at this time. February 3d, I find, the laird of Kersland, who had been taken some time ago, after his forfeiture, is sent from Edinburgh to Dunbarton prison: and this summer, the laird of Meldrum, an officer of the guards, whom we shall frequently afterward meet with, apprehended several good people in the parish of Lochwinnoch, Kilbarchan, and Kilmalcom, in the shire of Renfrew, and put them to very great trouble, for hearing the outed ministers. The laird of Johnston, in Renfrewshire, for having Mr John Stirling, who had been his parish minister at Kilbarchan, in his house, and hearing him preach once to his family, was apprehended, and brought before the chancellor, where it was like to stand hard with him. With difficulty his friends got him liberated, upon his giving a bond of five thousand merks, to compear when called. The reverend Mr John Stirling very narrowly escaped from his own house, and was diligently searched for by the soldiers, but got off happily. Several others of the outed ministers were troubled this year; but all the particulars would run this account to a very great length, and the above mentioned instances may

1670. suffice. Nevertheless, the word of the Lord was not bound, and presbyterian ministers could not, even under all those difficulties, forbear to pity the crying necessities of the people who had not access, to the churches of the indulged, and were daily growing in their aversion to the established clergy, the longer they were among them. And it was owned, even by some who were not friends to presbyterian ministers, that in their sermons in houses and fields, they were remarkably countenanced of the Lord, and blessed with many seals of their ministry, in the conversion of many, and edifying those who were brought in.

There was a letter handed about at this time, from a minister to his brother, encouraging him to this work. It was supposed to have been writ by the reverend Mr John Carstairs; and being very sweet, and suitable to those times, I have insert it at the foot of the page.* The multitudes of people hungering after the sincere milk of the word, were so great, that in many places, houses would not contain them, and in others they wanted places to meet in; and when in houses, were by far more in hazard to be surprised with the soldiers, than when in the fields. Upon these accounts field meetings turned more frequent this summer; especially, in places where there were none of the indulged ministers. Thus I find, October this year, Mr John Blackadder preaching at Balcanquel, Mr John Dickson at Glenvail, and Mr David Hume at ———, all in the shire of Kinross.

Field conventicles were most violently opposed, and the soldiers failed not to answer their instructions above narrated. Three meetings of this sort were no small occasion of persecution this year, and I shall end this section with some account of them. That which made the greatest noise, was the conventicle at Beeth-hill, in the parish

* *Letter to a Minister*, 1670.

I take this occasion very kindly to salute you, and to tell you that I desire to be glad in the Lord, for the most refreshing comfortable report, after many sad and lamentable ones, that you with your brethren there are in good earnest at their work (as I know some of you have been of a good while), and that a wide door and an effectual is opened to you of the Lord, though you have many adversaries, which I nothing doubt but you have laid your account with, considering, that the serious and suitable use of such a mean hath always had a most formidable aspect on Satan's kingdom, as threatening to make it fall from heaven like lightning, would not miss to meet with the very utmost of his and his instruments' permitted opposition, which, when met with, will prove but a confirmation and encouragement to you, more strenuously, vigorously, and valiantly to prosecute your work, your ancestors' work (sweet work), so much opposed and maligned by the devil, and wherein Jesus Christ hath such complacency and delight, as that which, in ordinary dispensation, he useth to bless for bringing about that which he useth to account satisfaction for the travail of his soul. Who knows, if ye will hold his stirrup, but he may mount on his white horse yet once more, with his crown upon his head, and his bow in his hand, conquering and to conquer, even in Scotland, Immanuel's land, sometime the pleasant land, nay, the glory of all lands, where his adversaries have audaciously and malapertly essayed to dismount him, and pull his crown off his head, and his bow out of his hand. It seems it is coming to a pitched battle between Michael and his angels, and the dragon and his angels there. O angels of Michael, fight, stand fast, quit yourselves like men, under the colours and conduct of such a Captain-general, and so noble and renowned a quarrel, wherein and in whom it were better (if possible) to be ruined, than to reign with his enemies, if all Cesars. Let none of their threatenings move you, and if it should come to that, let not your lives be dear to yourselves, in finishing your course with joy, and the ministry which you have received of the Lord Jesus Christ, to testify the gospel of the grace of God. Arise as mighty men of valour, go out to your work as under saviours upon Mount Zion, in the greatness of his strength, and in the zeal of God; and from pure and unbiassed respect to his glory, and to the salvation of immortal souls, humbly, sincerely, and seriously cry, Where is the Lord God of Elijah? where are the more ancient and latter famous and faithful ministers of Christ in the church of Scotland? where is that spirit wherewith these worthies were acted? who knows but he will show himself to be among you and restore somewhat of that spirit again to you? nay, if this be your mind, he will without all doubt be among you, and act you with another spirit than we have (alas) for most part been acted with in these fearful and fainting times; and if you should be imprisoned, exiled, or put to death, and so should seem (to prejudicate men) to be overcome, yet ye shall overcome by the blood of the Lamb, and by the word of your testimony, and by not loving your lives unto the death; nay, you shall by being thus overcome and conquered, be more than conquerors through him that loved you. O study to be in case (through close and constant following of that work) to say to your adversaries, the prelates, and their inseparable supporters (against whom in their course, (if we have not mistaken God, his word, and way) he resolves to have war for ever) in their persecuting you for preaching the gospel, and because you will not utterly renounce your Master's commission, and so incur the hazard of that

of Dunfermline in Fife: it was kept by Mr John Blackadder and Mr John Dickson, about the middle of June, and a very considerable number of people were there. When they were at public worship upon the Lord's day, a lieutenant of the militia in that place came up on horseback to the people, and made a great 1670.

sad and dreadful wo pronounced against non-preaching of the gospel, when he calls to it; I say, study in following the Lord fully in this work, and in owning of it, to say to your adversaries, You think to withstand the kingdom of the Lord in the hand of his Son Jesus Christ, and wished well unto by us his poor servants; with you are, &c. Have you not cast out the priests of the Lord, the sons of Aaron and the Levites, and have made you priests of such as come to consecrate themselves with, &c. But as for us, he is our God, and we have desired not to forsake him, we are the priests, the ministers of the Lord that wait on our business, and we burn to the Lord every morning, &c. and we keep the charge of our God, but ye have forsaken him, if so, then you may say humbly, yet boldly, behold, God himself is with us for our Captain, and we his ministers in his name, by the trumpet of this gospel which we preach (and dare not but preach while we have a commission and call), cry an alarm against you: fight not against God, for ye shall not prosper, nay, if they should prosper yet they shall not prosper. This begun preaching of the gospel looks (if suitably followed) to be a beginning of reviving in our bondage, and though bonds and deaths of persons should follow it, yet it will be a reviving of his work. O if poor, wretched, sinful, useless I were in capacity to share with you in this work, without its prejudice and yours, I think I should account it my glory whatever should follow. I know, my dearest friend, I might have spared this labour as to you, on whose heart this work is so much, and in whose heart his precious people are so much, even to live and die with them in following of this work; yet I say to you what is further in my thoughts (may I say on my heart) there hath no doubt been along all these trials, a spirit of fainting and cowardice among us, whereof we will all think shame when God shall (if he ever shall) restore that poor church to the light and sunshine of his reconciled countenance in Jesus Christ; and it seems that he is now opening a door of some access to you in a good measure, to make up that which hath been wanting in some point of testimony. O wonder! that after such wavering and declining of testimonies, he should ever any more give access to testimonies, and not send us off the stage under the just reproach, that we have not been valiant for the truth on earth. Dear sir, alarm all your brethren to observe, and not to let slip so fair an occasion, so glorious and golden an opportunity of a testimony, lest the holy, much provoked, and jealous God be put to swear, that henceforth there shall be no more time for a public and joint testimony. Again, it would be considered, how much we have of a long time coveted to have our trial stated on some clear and uncontroverted thing: is there not here a wonderful condescension of God, in stating it thus, even according to heart's wish? What more clear ground of suffering for a minister of the gospel than this, when the long starved flocks long for preaching, love preaching, and diligently wait on it: either utterly quit preaching, though I gave you a commission to preach, and though my poor flocks are starved without it, though I required (says Christ Jesus) as your great evidence of your love to me, to feed my sheep and lambs, especially when beaten from their food, and yet seeking after it, either quit (I say) preaching, and give bond that ye shall do it no more, or go to prison, yea, or be a perpetual prisoner. If this be an unclear ground of suffering, or if, being clear, it shall, from lothness to suffer, and to be shaken out of ease, be darkened, and be misted with new framed and forged distinctions, I am afraid we shall hardly ever meet with that which shall be accounted a clear ground of suffering, and will withal manifest that it is mere fear and lothness to suffer that's with us all along, though palliated with some special pretences: but I am hopeful there is not a faithful minister in Scotland (if not under the power of a dreadful temptation), that will come under such an obligation, he will no doubt make himself a close prisoner, and put his soul in irons, by declining on these terms to be a prisoner. Further, it would be considered, that there are several who, though they have their own good measure of peace in their minds, in suffering on some other accounts, and have some hopes (that though condemned by many men) yet God will in Christ Jesus graciously accept of them, even as to that thing, and have withal considerable acquiescence in, and satisfaction with their afflicted lot, they would (had it so seemed to the Lord) wished that their sufferings had been upon this account; and if it shall be declined upon this most honourable account, it may fall to be stated in an account less for God's glory, less for his people's edification and establishment, less for the adversaries' conviction, and less for their own peace, than either this, or (it may be) some others would have been. O the jealousy of God! Moreover it would be weighed well, whether, beside what the commission to preach the gospel, and the people's need calls, yea, cries for, and the humble confidence that ministers (though not the greatest disputants) may have in the Lord, to defend and justify their practice in this matter, having therein more particularly the promise of how and what to say in that hour; I say, it would be well weighed, whether this piece of good and warrantable policy may not be used in faithful following the duty, to put the adversaries to discover themselves, who will in this case be either much perplexed what to do, and (it may be) constrained to forbear you, or put, when they have nothing to charge you with, but only preaching the gospel, in prosecution of your Master's commission, and out of compassion to the starved and slain souls of the people, there being nothing that looks like a way tumultuary and seditious, and rebellious motions and practice, with which odious imputations they have loaded others, put (I say) to declare themselves to the world, to be on a design of rooting out all faithful preaching of the gospel by noncompliance, with this cursed

1670. deal of noise and disturbance, and spared not dreadful threatenings to fright, and, if possible, to scatter the people. One of the meeting steps to him, after he had entreated him to remove peaceably, and taking the lieutenant's horse by the bridle, pulled out a pistol, and told him, he would shoot him dead, if he was not silent: and whether the lieutenant would or not, he was compelled to sit peaceably upon his horse, until public worship was over; and then he was left at his full liberty to go where he pleased.* Accounts of this horrid insult, as it was called, came very soon to Edinburgh; and bishop Sharp knew well how to improve such an incident, to heighten the fury of the managers against presbyterians and conventicles: and indeed the council did exert themselves with the greatest of fervency in this matter. June 23rd, I find they give warrant to Mr Henry Murray, to inform himself anent the conventicle kept in the parish of Dunfermline lately. What report he made I see not. But upon the 30th of June, I find, Robert Walwood of Touch confessed before the council, he had been

prelacy, and so put all the godly in the nation to a point, as to what may be looked for in their days, which may be no small advantage, especially after so much talking of indulgence and liberty; yet suitable, Christian, and spiritual (not worldly and carnal, which hath much hurt us, especially where suffering appeared) prudence and circumspection would be used, and no needless irritation would be used, nor noise made, when a more quiet way may reach the end better, but the work would be closely, constantly, (and if it be possible) generally and harmoniously followed, though with all circumspection, that they may know and be convinced, that it is not a few rash and inconsiderable persons (as they use to call them) that they have to do with, but the very body and generality of the serious, sober, nonconform ministers and people of the nation. Finally, it is not unworthy consideration, what a singular and signal presence of God did wait first and last upon his dying and suffering witnesses, and what sweet hours several of his poor wanderers have had, even the best and sweetest in their life, though most of them have suffered upon accounts not so obviously convincing and satisfying to many as this. O stir up one another to this good work, and to this good expression of love to Jesus Christ, and say humbly in much prayer to God, Behold their threatenings, and grant unto thy servants, that with all boldness we may speak thy word; and who knows but he will stretch forth his hand, that great things may be done by you, as instruments in converting and building up of souls by the name of his holy child Jesus? And if it shall come to bonds (honourable and desirable bonds), it may be, through the mighty assistance and presence of God with the first sufferers, many of the brethren in the Lord may wax confident through their bonds to preach the word more boldly: now, my dear and faithful friend, to come to a close of this babbling beside my purpose, let me, a poor outcast, unfaithful, sinful wretch, beseech and obtest you for Christ's sake, the gospel's sake, the poor people's sake, the posterity's sake, your peace' sake, to take hold of this precious opportunity, wherein many defects may be made up.

* Our historian seems to have seen little in this meeting besides the contempt which it brought upon the indulged presbyterian ministers, and the effect which it had, or was supposed to have had, in preventing more extensive immunities being bestowed upon these quibbling trucklers to the royal supremacy; and his account of it, which is most probably garbled from Blackader's MS. memoirs, is meagre and unsatisfactory. As it was the first armed conventicle, and the first ebullition, since the restoration, of that spirit of resistance which accomplished the glorious revolution—as it gave new life to the friends of religion, and was the mean of multiplying and enlarging their meetings throughout the united kingdoms, and was publicly given thanks for in the Scots congregations abroad, we shall give Mr Blackader's account of it in his own words:

"On Saturday afternoon, people had begun to assemble. Many lay on the hill side all night, some stayed about a constable's house near the middle of the hill, several others were lodged near about, among whom was Barscob, with nine or ten Galloway men. The minister (Mr Blackader) came privately from Edinburgh on Saturday night, with a single gentleman in his company. At Inverkoithing he slept all night in his clothes, and got up very early, expecting word where the place of meeting was to be, which the other minister was to advertise him of. However he got no information, and so set forward in uncertainty. Near the hill he met one sent by the minister, to conduct him to a house hard by, where they resolved, with the advice of the people, to go up the hill, for the more security and the better seeing about them. When they came, they found the people gathered and gathering, and lighted at the constable's house, who seemed to make them welcome. While they were in the house, a gentleman was espied coming to the constable's door and talking friendly with him, who went away down the hill. This gave occasion of new suspicion, and to be more on their guard. However, they resolved to proceed to the work, and commit the event to the Lord. When a fit place for the meeting and setting up of the tent was provided, which the constable concurred in, Mr Dickson lectured and preached the forenoon of the day. Mr Blackader lay at the outside, within hearing, having care to order matters, and see how the watch was kept.

"In time of lecture, he perceived some fellows driving the people's horses down the brae, which he supposed was a design to carry them away. He rising quietly from his place, asked what they meant? They answered, It was to drive them to better grass. However, he caused them

present at the conventicle on Beeth-hill, and is fined in five hundred merks, and ordered to lie in prison till he pay it, and enact himself in a bond of two thousand merks, that he shall frequent no more conventicles. Such who followed him, met yet with harder measure. 1670.

July 14th, Mr Alexander Hastie, since

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bring them all back again within sight. After Mr Dickson had lectured for a considerable space, he took to his discourse and preached on 1 Cor. xv. 25. 'For he must reign till he hath put all enemies under his feet.' In time of sermon, several ill affected country people dropped in among them, which being observed by Mr Blackader, and those appointed to watch, he resolved to suffer all to come and hear, but intended to hinder the going away of any with as little noise as might be. Among others came two youths, the curate's sons, and about fourteen or fifteen fellows at their back who looked sturdily; but after they heard they looked more soberly. The two young men were heard to say, They would go near the tent, and walk about to the back side of it, which some, who were appointed to watch seeing, followed quickly; so they halted in their way. The man that came to the constable's house in the morning was seen at the meeting, and kept a special eye upon. Essaying to go away to his horse at the constable's, two able men of the watch went after, and asked why he went away? He answered, he was but going to take a drink. They told him, they would go with him, and desired him to haste, and not hinder them from the rest of the preaching. So he came back; but he was intending to go and inform the lieutenant of the militia who was at the foot of the hill, and gathering his men. However, the sermon closed without disturbance about eleven hours in the foreday, the work having begun about eight.

"Mr Blackader was to preach in the afternoon. He retired to be private for a little meditation. Hearing a noise, he observed some bringing back the curate's two sons with some violence, which he seeing, rebuked them, and bade let them come back freely without hurt, and he engaged for them they would not go away. So they stayed quietly, and within a quarter of an hour he returned and entered the tent; after some preface, which was countenanced with much influence, not only on professed friends, but on those also who came with ill intentions, that they stood astonished, with great seeming gravity and attention, particularly the two young men. It was, indeed, a composing and gaining discourse, holding forth the great design of the gospel, to invite and make welcome all sorts of sinners without exception.

"After prayer, he read for text 1 Cor. ix. 16. 'For though I preach the gospel I have nothing to glory of; for necessity is laid upon me, yea, wo is unto me if I preach not the gospel.' After he had begun, a gentleman on horseback and some few with him, came to the meeting. He was the lieutenant of the militia in that part of the country, who, lighting, gave his horse to hold, and came in among the people on the minister's left hand, stood there a space, and heard peaceably. Then essaying to get to his horse, some of the watch did greatly desire he would stay till preaching was ended, telling him his abrupt departure would offend and alarm the people. But he refusing to stay, began to threaten, drawing his staff. They, fearing he was going to bring a party to trouble them, did gripe and hold him by force as he was putting his foot into the stirrup. Upon this, Barscob and another young man, who were upon the opposite side, seeing him draw his staff, which they thought to be a sword, presently ran, each with a bent pistol, crying out, Rogue, are you drawing? Though they raised a little commotion on that side, yet the bulk of the people were very composed. The minister seeing Barscob and the other so hasting to be at him, fearing they should have killed him, did immediately break off, to step aside for composing the business, and desiring the people to sit still till he returned, for he was going to prevent mischief. Some, not willing that he should venture himself, laboured to hinder him. He thrust himself from them, and passing forward, cried, I charge not to meddle with or do him any hurt; which had such an influence on them, that they professed afterwards they had no more power to meddle with him. The lieutenant seeing it was like to draw to good earnest, was exceedingly afraid, and all the men he had. But hearing the minister discharging the people to hurt him, he thrust next to be at the minister, who had cried, What is the matter, gentlemen? Whereon the lieutenant said, I cannot get leave, sir, to stand on my own ground for thir men. The minister said, Let me see, sir, who will offer to wrong you; they shall as soon wrong myself, for we came here to offer violence to no man, but to preach the gospel of peace; and, sir, if you be pleased to stay in peace, you shall be as welcome as any here; but if you will not, you may go: we shall compel no man. But, said he, they have taken my horse from me. Then the minister called to restore him his horse, seeing he would not stay willingly. Thus he was dismissed without harm, at the minister's entreaty; who judged it most convenient that the gentleman, and others to whom he should report it, might have more occasion of conviction that both ministers and people, who used such meetings, were peaceable, not set on revenge, but only endeavouring to keep up the free preaching of the gospel in purity and power, in as harmless and inoffensive a way as possible. Some of the company, indeed, would have compelled and bound him to stay if he had not been peaceable; but they were convinced afterwards that it was better to let him go in peace.

"The whole time of this alarm on that quarter, all the rest of the people sat still composedly, which was observed more than ordinary, in any meeting either before or after (seeing such a stir), as in many other things the mighty power and hand of the Lord was to be seen in that day's work, and the fruit that followed thereon. When the lieutenant was gone, the rest, that dropped in through the day with the curate's two sons, stayed still, not offering to follow. After composing that stir, which lasted about half an hour, the minister returned to the tent, and followed out the rest of his work, preaching about three quarters of an hour with singular

1670. the revolution minister of the gospel at Glasgow, Adam Stobie of Luscar, William Adam merchant in Culross, James Sloss in Borrowstonness, David Mather elder in Brignies, John Rankin in Bonhard, James Duncan in Grange, were brought before the council, and interrogated if they were at the said conventicle. All of them acknowledged they were. Then they were required to give up upon oath the names of the ministers, and others, whom they knew to have been at that meeting. This they peremptorily refused, and the council immediately found them guilty of contumacy, and fined each of them in five hundred merks, and sent them back to prison, there to lie in irons during the council's pleasure. I find this day the council pass a decreet against keepers of conventicles, particularly at Livingseat, and Hill of Beeth, fining multitudes in great sums. Those persons lay in prison till the parliament sat; and by their second act, August 3d, (as shall be observed) appointed such who refuse to give their oath *super inquirendis*, to be banished; and upon this act, they, with some others, were banished the kingdom, as we shall just now hear. So unreasonable and unrighteous were our managers now! They form laws to catch conscientious persons in matters wherein their principles were concerned; yea, even made them look backwards, and reach supposed crimes, committed before their laws were made.

Upon the 16th of August, the council pass an act against the above named persons. "Whereas Mr Alexander Hasty in Dunfermline, &c. as above, being called to depone anent the conventicle at Beeth-hill, and refused; as also Mr John Vernor, and Robert Orr in Miln-bank, who had a child baptized there, the council banish them out of the king's dominions, and order them to be transported to the plantations, and not to return, on pain of death." This good youth Mr John Vernor, was challenged for another conventicle, and for this crime of conventicles, and that of refusing to betray his honest neighbours and acquaintances to the fury of persecutors, was most barbarously dealt with. He was fed on bread and water, and put so close in the irons, that his leg gangrened, which within a little cost him his life. Under such cruelties, some of the best quality interposed for his liberation; but that meeting was so galling to the council and commissioner, that no ear was given for some time. At length, when his leg turned very ill, upon the 3rd of November I find him and Robert Orr set at liberty, upon their giving bond and caution to appear when called, under the penalty of five hun-

countenance, especially after composing the tumult. All the time there were several horse riding hither and thither on the foot of the hill in view of the people; but none offered to come near, for a terror had seized on them, as was heard afterward, and confessed by some of themselves. The minister apprehending the people might be alarmed with fear, that they could not hear with composure, though none did appear, did for their cause close sooner than he intended, though the people professed and said they would rather he had continued longer, for they found none either wearied or afraid."—Memoirs of the Rev. John Blackader, pp. 144—148.

Before concluding this note we may remark, that of all the outed ministers, with the exception, perhaps, of Mr John Welsh, Mr Blackader seems to have been the boldest, and the most successful, in collecting at these kind of meetings the scattered followers of Christ, whose languid graces he was often the honoured instrument of reviving and exciting in a very high degree. He had been, like many others, ejected from his parish (Troqueer) by the famous act of Glasgow, and between the years 1665-66, harassed by that base tool of tyranny, Sir James Turner, was obliged to leave that part of the country, and, with his family, attempt to find shelter in Edinburgh. Here he occupied a large house, and, especially after Pentland, preached in it to crowded audiences. Upon special invitation, he soon after this came to the west, where, particularly in the parishes of Evandale, Newmills, Galston, Dunlop, Fenwick, Eaglesham, and Kilbride, he preached often to crowded audiences. These visits he frequently extended to Paisley, where he baptized many children, and to Glasgow, where his congregation frequently exceeded two thousand persons. At Borrowstonness he established a congregation, and, through the interest of his relation, major Hamilton, baillie of regality to the duke of Hamilton, procured for it the freedom of undisturbed worship.—He continued the same practice with much of his Master's countenance, as we may have again occasion to notice, till he was, as related by our historian, shut up in the Bass, in the year 1681, where he may be said to have obtained the crown of martyrdom, not, indeed, by the violence of a few hours or moments, but by the more refined cruelty of long protracted years of confinement and privation.—*Ed.*

dred merks each. And to end the accounts of the persecution for this conventicle, upon the 11th of August, James Dundas, brother to the laird of Duudas, confesseth his being at the conventicle at the Hill of Beith; and refusing to depone before the council, whom he saw there, and who preached; they find he hath contravened an act of parliament, banish him the king's dominions, and order him to be transported to the plantations not to return on pain of death. However, I find, August 28th, Mr Dundas gives his oath upon some interrogatories anent this conventicle, and is liberate by the council. Many others were brought under hardships for this conventicle, such as, Margaret Martin the lady Colvil's gentlewoman, and Bessie Young a servant of hers, who continued in prison a long time; and for several months the soldiers brought multitudes in that neighbourhood to great trouble.

Another conventicle which made a great noise at this time, is that at Livingseat, in Carnwath parish, much about the time of the former, or a little before it. Their procedure against persons alleged to be there, was much of a piece; so I may be very brief upon it. June 23d, Mr John Vernor, who, it seems, was at both, "son to Gavin Vernor in Mortoun, being required by the council to depone, what he knew of the persons present, and minister who preached at a conventicle at Livingseat, and refusing to give his oath, is committed close prisoner, and ordained to lie in irons during the council's pleasure, and to be fed with bread and water." And further, the council fine John Carmichael in Blackburn, and David Carmichael in Potishaw, in a hundred merks each, for being at that meeting. And the forementioned decreet, July 14th, fines a great many others in absence, for their being there.

The last conventicle I notice, was in the beginning of July at the Torwood. And July 7th, the council being informed of a large conventicle at Torwood-head, appoint a letter to be written to the earl of Callender, to use his interest to bear down conventicles in Stirlingshire: and upon August 16th, I find the council have Charles Campbell in Airth before them. He confessed he was at the conventicle in Torwood; and refusing to depone, was banished, and ordered to the plantations. After some months' imprisonment, he falls sick through his harsh treatment; and, December 8th, the council liberate him, upon his giving bond and caution under five hundred merks, to compear when called. I find little more concerning conventicles this year, unless it be, that August 11th, Mr Alexander Strang is called before the council, for alleged keeping of conventicles, which he positively denies since Martinmas last, affirming, that he waited upon ordinances every Lord's day, in the parish church where he lives. The council dismiss him. 1670.

SECT. II.

Of the committee of council, their actings in the west, April 1670, *the insults upon incumbents, and several other things this year.*

In this section I shall put together several occurrences throughout this year, which will not so properly come in upon the general subjects in the following sections, and may be of some use in order to our understanding the state of this church, and of presbyterians; and I shall begin with the attacks made upon the episcopal incumbents, and the violent prosecution of innocent people upon that score. Some of the occasions of those attempts, in the general, have been pointed at, and now I come to narrate plain matter of fact, as far as it hath come to my hands.

The order of time leads me to begin with the attempt made upon Mr Robert Boyd curate at Carmunnock. "The council, January 6th, being informed of a robbery committed upon the person and goods of Mr Robert Boyd, letters are directed against the heritors." We shall afterwards have some specimens of Mr Boyd's persecuting temper, and his sitting in oppressive courts with major White. Whether this was at the bottom of the attack made upon him, or if it was an act of burglary, committed by some common thieves, I do not know. But, upon the 26th of January, I find a

1670. decreet given out against the heritors and parish of Carmunnock, in the council registers, bearing, that his house was rifled, his wife wounded, and Mr Boyd sought for, but not got. Sir Archibald Stuart of Castlemilk appears, and acknowledges the matter of fact, but knows nothing of the actors. He and the parish, according to the laws formerly mentioned, are fined in fifty pounds sterling, and, February 7th, Sir Archibald pays the fine, and it is given to Mr Robert Boyd.

This, with some other attempts of the like nature, in other places, about this time, produce a committee of the council to inquire into them, and for the punishment of the actors, and some other things: of this it is proper to give some accounts. Upon the 6th of April, "the council remit it to the archbishop of St Andrews, duke Hamilton, and some others, to consider upon ways to secure orthodox ministers, to consider the petition of Mr Alexander Mortimer minister at Kirkcudbright, and the injury done to the minister of Kilmalcom; with power to call for the papers taken upon Mr John Rae, and to consider the decreets given in by Mr Nathanael Fyfe, against keepers of conventicles, and report." I have met with nothing further anent Mr Mortimer, and know not well what these papers related to, which were found upon Mr Rae: but I hear they contained the names of some parents, whose children he had baptized, who were afterwards prosecuted on that account; only I find him upon the 3d of March, ordered by the council to be carried from the Canongate tolbooth to the Castle of Stirling. Upon the 7th of April the report is made; and the council having considered it, agree to the commission-instructions, and other acts brought in by these appointed to consider this matter. The tenor of the commission follows:

Commissions anent some disorders in the west.

"Charles, by the grace, &c. To all and sundry our lieges and subjects, whom it effeirs, greeting. Forasmuch as, notwithstanding divers acts of parliament and council made against withdrawing from the public worship in churches, keeping of conventicles, or private meetings, upon pretext of worship, or other religious exercises, by baptizing or marrying by persons not allowed by authority; and likewise, for security of ministers in their persons and goods, against the interrupting of Divine service, and the acts of council made anent ministers indulged to preach: yet sundry disloyal and seditious persons, especially in the shires of Ayr, Lanark, Renfrew, and others after specified, have of late contravened the said acts, by deserting their own parish kirks, keeping conventicles, disorderly marrying and baptizing their children, making attempts upon, and offering several injuries unto loyal and peaceable ministers, dealing with and menacing them to leave their churches, and committing of several other disorders, to the high contempt of our authority, and great scandal of religion. And we, considering that it doth very much import our honour, and the peace and quiet of this church and kingdom, that some speedy and effectual course be taken for repressing such disorders and insolencies, and preventing the like in time coming, and that it may contribute to the discovery of the actors and contrivers of such disorders, that the same be tried upon the place where they were committed, do, with the advice of the lords of our privy council, grant full power, warrant, and commission to William duke of Hamilton, Alexander earl of Linlithgow, William earl of Dumfries, Alexander earl of Kincardine, William earl of Dundonald, the lord clerk register, and lieutenant-general Drummond, or any four of them, to put to due and vigorous execution the foresaid acts of parliament and council against the contraveners thereof, within the shires of Stirling, Linlithgow, Dumbarton, Lanark, Ayr, and Renfrew, to levy and exact the pains and penalties therein contained. And to that effect we appoint our said commissioners, or their quorum, to repair to, and meet at Glasgow, the 27th day of this instant, and thereafter, to meet at such times, and places within the said shires of Lanark, Ayr, and Renfrew, as they shall think convenient; and there and there, to call

before them such persons, as they shall be informed have contravened the foresaid acts, or any of them; and, if need be, to issue warrants and precepts for citing them, and witnesses for proving what shall be laid to their charge, to use all trial and probation requisite, and to proceed to give sentence against such as they shall find to be guilty, in fining, confining, or imprisonment of their persons; and to put these decreets in execution, by poinding their goods, imprisoning of their persons, or otherwise, as accords: with power to our said commissioners, or their quorum, to seize upon and commit to prison such persons as they shall think fit, and to take caution for the appearance of any persons before our privy council, or before themselves, and, in case of refusal, to imprison them: and generally with power to our commissioners, or their quorum, to do and exerce all things necessary and requisite for the effectual prosecution of this our commission, and the particulars above mentioned, as fully and freely in all respects, as a quorum of our council might have done themselves, promittend to hold firm and stable. And we do hereby require all sheriffs, stewards, heritable bailies, magistrates of burghs, and others our good subjects, within the said shires, readily to answer, obey, concur with, and assist our said commissioners, being required thereto by them; as they will be answerable upon their highest peril: and that they make report of their diligence in the premises to our privy council, betwixt and the first council day in June next. Given under our signet at Edinburgh, April 7th, 1670.

"ROTHES, Chancellor, TWEEDDALE,
ST ANDREWS, DRUMLANERK,
MORTOUN, SINCLAIR,
ATHOLE, JO. GILMOUR,
CAITHNESS, JO. NISBET,
DUNFERMLINE, CHARLES MAITLAND,
WEEMS, ROBERT MURRAY."
ANNANDALE,

Instructions given to the commissioners for the western shires.

"1mo. You are to take trial of the business of the minister of Maybole, and the attempt made on him, so far as the same shall not be tried by the council. 2do. You are to take trial anent the abuse done to Mr John Irvine minister at Kilmalcom, both in the church, and in the house of Finlaston. 3tio. You are to try the abuse done to ———, minister, while he was passing through the town of Kilmalcom, and likewise any other attempts of that nature, whereof you shall receive information. 4to. You are to call before you those persons, for whose appearance before the council the earl of Linlithgow hath taken bonds, for their keeping of conventicles. 5to. You are to call before you the resetters of the rebels, and put the laws and acts of parliament and council in execution against them. 6to. In the trial to be taken by you of those who have contravened the acts of parliament and council, you are to begin at the most eminent persons, noblemen, and gentlemen. 7mo. You are to call before you the ministers allowed to preach by the council, and to take trial what obedience hath been given by them to the act of council, discharging them to lecture before sermons; and if they have notwithstanding lectured, upon what account they have done the same;* and you are to take trial of their carriage and behaviour since they were allowed to preach. 8vo. You are empowered to call for thirty horsemen of his majesty's troops of guard, to attend you in this service, and to execute such orders and commands, as they shall receive from you, in prosecution of your commission. 9no. You are also to give such orders to the forces in the west, for removing of their quarters, and otherwise, as you shall think fitting, in order to the present service. 10mo. You are to do all other things requisite for the effectual prosecution of this service, which may tend to the settling and securing of the peace of the kingdom." 1670.

Jointly with these instructions, there are orders given to the officers and commanders of the standing forces, to obey such orders as shall be directed to them by the said

* This is another proof of the real nature of the indulgence, and that it was at first a snare, and in the end a source of much suffering.—*Ed.*

1670. commissioners, or any one of them; and the council, the same day, make an act anent the payment of ministers' stipends thrust from their charges, which I likewise insert.

"The lords of his majesty's privy council, considering the many direct and violent means essayed in the western shires of this kingdom, to thrust orthodox ministers from their charges; and that, as in pursuance of their trust, they have made several acts and ordinances for the security of the persons of those ministers; so it is most consonant with justice and equity to take care for their maintenance, where, from just apprehensions and fears of being rudely entreated, they are forced to desert and relinquish their cure: therefore, the said lords do declare, that where any of the said ministers are, by menacing, just grounds of fear, or violence, put from their churches, that during their natural life they will maintain them in the possession of their benefices and stipends, according to their rights thereunto. As also, in the cases where the said ministers shall be provided to other kirks and benefices, whereby the former churches shall become vacant, the said lords do declare, they will give power and warrant to the collectors of the vacant stipends, to intromit with the benefice, and uplift the stipends belonging to the said churches; and that ay and while orthodox ministers be settled in the same by presentations from the patrons, and collations from the archbishop or bishops of the dioceses where they ly, according to law."

In order to ripen matters for this commission, the earls of Dumfries and Dundonald are appointed by the council to make inquiry beforehand, that the work of the commissioners may be shortened as much as may be. The procedure of this commission, as to the indulged ministers, hath been already given account of; and I only now consider what they did as to orthodox ministers, as they called them, who were attacked. The business of the attempt alleged to be made at Maybole in Ayrshire, and Kilmalcom in Renfrewshire, were before the committee; but indeed nothing could be found in either of them of great importance, so I shall give but a hint of each.

Maybole business is first in their instructions, and it stood thus. When the committee were at Ayr, Mr Jaffray, curate there, renewed his complaint, which he had formerly tabled before the council; that some of his parishioners had attempted to murder him, and discharged a pistol at his breast. The ball, he said, came upon a book, which he was carrying in his bosom under his coat, and this saved his life. Every body almost reckoned this an ill made story, to get a little money, by way of fine, from the parish. The heritors and parishioners offered to prove before the committee, that when Mr Jaffray first divulged the attempt alleged to be made upon him, and showed the book which he said was under his coat, the book was indeed pierced, as seemed, by a ball, but his coat had no hole in it; so senselessly was the forgery made. But this method, though very natural, could not be allowed. Mr Jaffray was permitted to produce all his proofs and evidences to fix the guilt, but in vain, for nothing could be proven: and generally it was believed, he had pierced his book himself, and forgot to make a hole in his coat. So this business ended in laughter, and very quickly his parishioners brought in more solid complaints against him, as we shall hear, this same year.

Mr John Irvine's business stood thus. In February or March, it was pretended, evil was designed against him: he was indeed, and not without ground, very ill liked in Kilmalcom. While he was preaching on a Lord's day, some boys cast a bit of a rotten stick at the pulpit in time of sermon. Upon the noise it made upon the pulpit, he presently left it, and got to his own house. As he went home in a fear and haste, some of the boys followed him, with huzzas and cries, till he got into his house. This is all I can hear of. A terrible noise is made, that the minister had been stoned out of his pulpit, and forced to flee for his life to the manse. The committee examined this riot, and found nothing in it but a freak of some idle boys, and that it was a matter very unworthy of such a sputter as had been made

about it. What sentence they came to at Glasgow, I know not; but I suppose they remitted this affair to the council: for in their records, June 16th, they find James Watson, James Rankin, John Hattrick, and William Sinclair, guilty of the tumult in Kilmalcom, and of hounding out of dogs on the minister; and the council order them to be transported to the plantations. And, upon the 23d of June, John Hattrick and William Sinclair, because of their youth, are liberate, upon condition of their appearing before the congregation, and declaring their sorrow for abusing the minister of Kilmalcom. Whether the other two were banished, or got off the same way, I have not information. Upon July 14th, I find the storm lands upon the parish; and the heritors and parishioners of Kilmalcom are first fined in fifty pounds sterling, and then it is increased to a hundred pounds, to be paid to Mr John Irvine; and the lairds of Duchal and Carncurran, two heritors, then at Edinburgh, are discharged to leave the town till they pay that sum.

It was thought that the discoveries this council-committee would make, might be a foundation of taking away the indulgence; but the members of the committee found all, or most of the alleged disorders among the common people, were occasioned by the ill carriage of the incumbents. Indeed their naughtiness, drinking, oaths, and uncleanness rendered them very hateful; and their oppressions, and harsh treatment of their people, had produced some disorders: so nothing was further done at this time against the indulged.

There are two other attempts this year upon the incumbents I have met with, and shall bring them in here. June 9th, the council order out summons against the parishioners of Neilston, for a riot committed upon their minister, Mr Alexander Kinnier, and his wife. It was libelled, that some time in May, upon a Saturday at twelve at night, nine or ten men came into the house, beat Mr Kinnier and his wife, and plundered the house. The heritors are fined in a thousand pounds Scots, and Allan Stuart of Kirktoun is forbid to remove from Edinburgh till it be paid. And, August 28th, I find the parish of Glassford, in Lanarkshire, are most injuriously fined. It is alleged, that some persons in arms attacked the house of Mr James Finlay, incumbent there, searched for him, and plundered the house. July 14th, the council fine the parish in a thousand pounds Scots. The house was indeed broke by common thieves and robbers; some of them taken for other crimes, and executed, at their death confessed they had broke Mr Finlay's house; and, before their death, declared, that to their knowledge there was not two dollars worth of skaith done to him, and not one person in the parish was in the least concerned. 1670.

Some other particulars, I meet with this year, shall fill up this section, that the subjects of the two following may not be interrupted; and they shall be narrated just in the order they fell out. January 13th, the council publish a very good proclamation against papists, which is printed; and had it been prosecute with as much care and application, as their proclamations against conventicles, and in defence of their orthodox ministers, it had been more for the interests of real religion. But the prelates saw to the one and neglected the other; so, I find, the same day the council recommend it again to the archbishops and bishops, to gather up lists of persons who are papists, and suspect of popery; and that a general list be formed out of them, and laid before the council, January 1st next to come. At that time I find no return made.

With what views a discharge was granted, April 9th this year, to general Dalziel, I know not; but I have before me a copy of a patent, which passed at this time under the great seal: "giving and granting him, his heirs and executors, a full and ample discharge and exoneration of that trust and employment he had as lieutenant-general, colonel of a regiment of foot, captain of a troop of horse, and a company of foot, and of the whole heads and tenor of the said four commissions, from July 19th 1666, until April 8th 1668, when they were recalled; declaring that he shall never be questioned, cited, or challenged for any actings, orders, or deeds done, or omissions,

1670. if any such have been, in these capacities, by the king or his successors, or any having power from them." Without doubt the general needed such a discharge, and probably it is now passed with a view to his entering upon the full possession of some of the forfeited estates.

In July this year, Mr John Menzies, minister of the gospel at Carlaverock, near Dumfries, after he had for some time observed the plain favour shown to papists, and had again and again remonstrate against the growth of popery, to the bishop in the diocesan meeting, and to his brethren of the exercise; when he saw so many favouring popery, and violent in persecuting protestants, he at first withdrew from their meetings, and at length he sent his written testimony to the presbytery of Dumfries, July 12th this year, and therein he declares against prelacy, as connected with popery, and what he had now discovered a great evil in. His own paper will speak best for him. How his testimony, which he desires may be recorded, was taken, and what followed upon it, I know not, but have inserted it at the foot of the page.* We shall afterwards meet with some others, who very happily had their eyes opened to see the evil of their conformity to prelacy, and left the bishops and their way, from a full conviction of this.

Throughout this year, new discoveries began to appear of the villany and oppression of the former years, particularly of Sir William Bannantyne's grievous oppressions. I find several heritors and gentlemen applying to the council, and complaining that Sir William and others had taken away their rights and evidences in the year 1667, and craving that they may be returned: and the council are so just, as to order their clerks to return any of them which are in their hands.

To conclude this section; when the time of the parliament's sitting drew near, the commissioner Lauderdale comes down about the end of July, and he, to ingratiate himself with the prelates, renews the severities against the presbyterian outed ministers. Upon his arrival at Edinburgh, he discharges, by proclamation, any of them from coming to town without license, and that under the pain of death. And at the same time, as

* *Mr John Menzies' testimony, July*, 12, 1670.

That which hath saddened the heart, and been matter of lamentation to many, is, that when through the good hand of God upon us, through the goodness of our laws, civil and ecclesiastic, and through the faithfulness and diligence of the watchmen of the Lord's house, the abomination of popery was almost rooted out of our land, that that noisome and pernicious weed hath of late years gotten a great footing amongst us again: and while not only the noisome tares of popery, (being nothing else but a bundle of the grossest heresies, blasphemies, idolatry, and antichristian apostasy) are not only sown and under the clod, but fair above ground, overspread many parts of our land, as the sad experience of our bounds doth testify, but also profanity of all sorts abounding amongst all ranks and degrees of people; and while many godly in the land are mourning in secret for these abominations, as being a sad prognostic of the Lord's departing from us, and a judicial stroke of his vengeance, punishing us for some former apostasies, and neglect of the exercise of religion, that the spiritual watchmen of the Lord's house, to whom the care of these things doth principally belong, and, for any thing known to us, while others are weeping, they are not concerned, lying by secure. It is likewise not unknown to some of you, that albeit, at some of the later synods, I did regret the growth of these ills, and did entreat that some effectual remedy might be made use of, preventing the further increase of the same: albeit much was promised, yet nothing hath been performed. I did likewise often represent and regret to you the reverend brethren of the exercise here, the abounding of these abominations in most parishes of this presbytery, and particularly within the bounds of my charge, desiring that such power as God hath put in our hands, might be used for stopping of these ills; and particularly the last day I was at your meeting, I did desire that by an act of presbytery (as once before, though afterwards slighted) it might be appointed, that every one within the bounds of their several charges, should proceed against all professing popery, to the close of the process at least, as against the profane; and that they should bring in the particular lists so soon as any made defection, but was plainly refused that any such act should be made thereanent that day, and rather judged impertinent, it being declared not to be seasonable; and some of you asserting them to be the presbytery's useful friends: in consideration whereof, as I have not kept with you since, so I conceiving myself bound in conscience to represent unto you this my testimony against popery, in the roots and branches thereof, and your not enjoining it as a duty on every member, to proceed to excommunication against the people of these abominations, and that without any delay, I shall likewise not conceal from you, the reverend brethren here, that my beholding this your way, hath occasioned my more serious thoughts of the

hath been hinted at in the former section, several of them who were most frequent in preaching, are cited to appear before the council, at several diets, in August. Most of the ministers who were cited, came in as secretly as they could, to inform themselves what they were to expect: and finding that all, or many of them, were to be shut up in prison, and banished their native country, after several meetings together, they resolved not to compear. However, when together they agreed upon the draught of a letter to be sent through their brethren, and the people of their persuasion, up and down the country, to stir them up to more than ordinary prayer and supplications. And that the reader may have a view of the excellent spirit of these good men, I have inserted it as a note.* This paper was very quicken- 1670.

course of conformity with prelacy: and albeit, that popery and profanity may be very accidental to the course of conformity with prelacy; yet beholding that (which is the observation of people of all persuasions) these two pernicious weeds thrive so kindly in your soil, it hath moved me now more than ever to search what of God can be in that way. And being also called of God by his late dispensations, to a serious and particular search of my way, while in the use of means I have sought the Lord for light herein, this is the result of what I have attained to, that I, through scripture-light, and other engagements (whatever others do), cannot any longer adhere to conformity with prelacy, without the grievous wounding of my conscience, upon which I dare not adventure; and that by the former conformity, I have exceedingly offended God, and have been a stumbling-block in the way of people: for the which, as I desire to be humbled before God, so I crave pardon of all his people whom I have offended. This I declare, upon the account of no worldly advantage, for no shadow hereof can be alleged; but, my witness is in heaven, I do it only for the glory of God, the edification of his people, and the exoneration of my own conscience. And now not knowing when, where, and how long I may be allowed to advise you, or any of the Lord's people in his name, to that which, in the Lord's strength, I mind to practise, my humble advice is, that you would consider your ways, and ponder that you are to make an account of the exercise of your talents, before it be long, that your peace may be well bottomed when ye are to step into eternity. And since much of the growth of these ills has its rise from the negligence of such as should be the faithful keepers of his vineyard, I shall yet once more obtest you, in the bowels of Jesus Christ, as ye love the glory of God, the credit of the gospel, the salvation of these deluded wanderers, the security of your own peace in a day of strait, which the Lord may make you meet with, albeit ye now think he hath made your mountain stand strong, and as ye would clear yourselves of that reigning scandal of a sensible compliance with the people of these abominations; and that when many of your brethren are cast out, whom the Lord hath made polished shafts in his own right hand, for gaining many souls unto Christ, that such an oversight should be indulged to these who have been destroyers of the Lord's holy mountain, and have laid his vineyard waste; that in this nick of time ye would bestir yourselves for the reducing of some, convincing of others of their ways, according to your place, power and calling, separate the precious from the vile, that they may no more infect the weak of the Lord's flock, or pollute or offend any more upon the Lord's holy mountain; otherwise it is much to be feared, the Lord will reckon with you for the blood of souls, make you contemptible in the sight of others, make you to be trampled on as unsavoury salt, yea, make you become vile in the eyes of these hardened ones, whom, albeit they walk with you for the present with horns of a lamb, yet afterward ye may hear them speak with the mouth of a dragon, and to prove pricks in your eyes, and thorns in your sides, in the day when your greatest straits and saddest trials shall come. And finally, brethren, as for prelacy, whereupon the Lord hath stamped this mark of his displeasure, that under it truth and godliness have been under a sensible decay, so that ye would consider and ponder the same impartially, in the balance of the sanctuary; then, who knows but ye shall discover it to be a plant not set by the hand of God, but of man, and which the Lord, in his own time, may cause to be plucked out of his own vineyard again. In all which, as I hope not to be mistaken, as designing any more than is expressed, it being the first-fruits of my self-conviction; so it is earnestly desired, that this my sober testimony may be insert and registrate in your books of presbytery; and I shall remain yours, to serve you in the Lord Jesus Christ,

JOHN MENZIES.

* *Letter from a meeting of ministers*, 1670.

What grievous things do afflict the church of Christ this day in these nations, and among ourselves cannot be unknown, to such, at least, who have made it their choice rather to suffer affliction with the people of God, than to enjoy the pleasures of sin for a season; and who, but strangers in our Israel, can choose but to be affected with, and lament these things that have come to pass in these days? The holy and beautiful house of the Lord, where both we and our fathers have served him, and all our pleasant things made waste, the walls of Jerusalem broken down, and the gates thereof (as if burned with fire), Zion plowed like a field, Jerusalem become heaps, and the mountain of the house of the Lord as the high places of the forest, the rod of wickedness lying upon the lot of the righteous, and not a few in hazard to put forth their hand to iniquity, our pastors removed into corners, and strangers in the habitation of the Lord, plants sure not of the heavenly Father's planting, idle shepherds, feeding themselves and not the flock, who have eaten up the good pastures, treading down and defiling the residue with their feet, thrusting with side and shoulder the tender and faithful of the flock, so as now by many the sacrifices of the Lord are abhorred;

1670. ing and upstirring, and many were put by it to set apart days for fasting and wrestling. The procedure of the parliament this year, is what I come now to give some account of.

SECT. III.

Of the laws and acts of the second session of parliament, July and August 1670, *in as far as they concern presbyterians.*

THIS short session of parliament began July 28th, and continued about a month. The design of it, if we may judge by its actings, was to promote the projected union with England, and to rivet prelacy. The first was as much despised in England, as the last was hated in Scotland. Our parliament begin with an act empowering the king to name commissioners to treat with England, in order to an union betwixt the kingdoms; and then they fall very foul upon the presbyterians, both as a set of people who still set up upon the foot of liberty, and against absolute and illimited power, and to

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are not the laws transgressed both divine and human, which formerly were in vigour in favours of the church and spouse of Christ, his ordinances changed, the covenant broken and made void, of which sometime it was said, "Come, and let us join ourselves to the Lord in a perpetual covenant, never to be forgotten?" What restraints have been put upon all, and are still continued, yea, increased upon the most part of the godly outed ministry of the nation, so as they have not only for a long time been thrust from their particular flocks, but now are made obnoxious to the greatest severities, if they shall but dispense the word in private families, or any where else, where the Lord in his providence, by the hunger and necessity of his people, may call them to it? What impositions are put upon the consciences both of ministers and people, by extraordinary and arbitrary oaths, subscriptions, and otherwise as well in the matter of hearing as preaching? A true and faithful ministry, suffering (we are bold to say) for the testimony of Jesus Christ, inhibit, under most severe punishment, to be heard so much as praying, and a company of profane intruders commanded to be countenanced in all their administrations, who have sufficiently verified it in themselves, that the great Shepherd of the flock never sent them; and yet they ran, and have so far by their way made it more than palpable, that they shall not profit his people at all. O how hath the Lord scattered us in the day of his anger! How many of his dear servants and people made wanderers, chased from mountain to hill, not having where to lay their head, no peace now to him that goes out, nor to him that comes in, but rather great vexations upon all who have any sense either of the sins or judgments of these times? And what shall be thought of the case of the poor starved multitude, who are as sheep without their shepherd, yea, of the whole posterity, while there are so many pregnant presumptions of the Lord's leaving the nations, removing of our candlestick, and of the quenching of the light of our Israel? Have not all ranks corrupted their way? many poor, and foolish, and have not (though in the clearest sunshine of the gospel) known the way of the Lord, nor the judgment of their God; and if we take us to the great and mighty of the nations, have not these altogether broken the yoke, and burst the bands? What encroachments have been made upon the crown and kingdom of our Lord and Master, Jesus Christ, the alone King of, and Lawgiver to his church, as if he were not so faithful over his own house, as to have appointed and left upon record in his own word, the clear warrant and particular rules of the spiritual jurisdiction and discipline therein, distinct from, and independent upon the powers and civil governments of this world? And are not all the inhabitants of the lands guilty of ingratitude and unthankfulness, and slighting of that inestimable benefit of the glorious gospel of the Son of God? for which sin it was the imprecation of a faithful witness and martyr of Christ in this nation, that dreadful should our plagues be. And were there no more, who can sufficiently lament the introducing of that abjured prelacy once and again among us, the doleful breed and product whereof hath ever been, and this day is the growth of popery, abounding of profanity and atheism, besides all other miseries we are under? May not all this be a sufficient evidence of the just displeasure of the Lord, gone forth against us in no small measure, and give just grounds of fear of its continuance, till there be no remedy? And hence we may say, who is the wise man that may understand this, and who is he to whom the mouth of the Lord hath spoken, that he may declare it for what the land perisheth? Is it not because we have forsaken his law, which he hath set before us, and have not obeyed his voice, nor walked therein, but have walked after the imagination of our own hearts? For these things may not our hearts be faint, and our eyes be dim? But, which puts on the capstone upon all the sin and judgment we are under, is it not evident that the Lord hath sent his plagues upon our hearts? Being made desolate, do we yet lay it to heart? Being made desolate, do we yet mourn unto him? Are we as doves in the valleys, every one mourning for his iniquity? Is there a turning to the Lord with all the heart, yea, with fasting in our mourning, and with weeping? Are the priests, the ministers of the Lord, weeping between the porch and the altar, saying, "Spare thy people, O Lord?" Were it thus, then the Lord should be jealous for this land, and pity his people; but, alas! instead of all this, what impenitency! few so much as reflecting and saying, What have I done? How little kindliness or tender melting of heart, either as to sad things threatened, or presently lying on, and yet even this little bewailed or lamented? How little kindly sympathy with these who bear the burden and heat

make their enemies the prelates the more hearty in the matter of the union, as had been remarked. Thus their second act, August 3d. relates to those "who refuse to depone against delinquents;" and being afterwards the foundation of no small trouble to the sufferers, I have insert it at the foot of the page.* By delin- 1670.

of the day? Some more ready to censure the afflictions of others, even for the gospel's sake, nor to partake themselves with them therein. What remissness (may it not be feared) will be found in secret duties? And how few consider one another, to provoke to love and to good works, not forsaking the assembling of ourselves together, as the manner of too many is, but exhorting one another so much the more, as we see the day approaching; and when at some times a watch hath been set up, and time set apart for serious wrestling with God, and vows and resolutions renewed, and, it may be, some begun reformation and amendment of many things; yet how inconstant have we been in all these, much of our diligence falling and rising with the sharpness and bluntness of our trials? And when in the furnace we are scummed as dross, and in the fire our scum goeth not from us, what may we think shall God do to us, but even gather, blow upon, and consume us by the pouring out of his Spirit? Where also is that uniform zeal for the cause of God, the purity and peace of godliness? Where is that Christian and tender sympathy for our suffering brethren, the Lord's witnesses, to which we are solemnly tied, and which hath been so often both the profession and practice of this church from our first reformation from popery, to this day, that what should be done to one, should be reckoned and accounted as done to all, in this common cause of religion, all this being no other than the due expression of that native fellow-feeling, which ought to be among the members of Christ's body; yet are not now every one left to do for themselves? Some crouching under the burden, others sinking as much as ever under the cares of a present life, and of their temporal being, some, it may be, secretly blessing themselves in their freedom from the afflicting things of the time, when others are tossed twixt wind and wave: this cannot be the blessedness we were wont to speak of, when we could sooner have plucked out our eyes for Christ and his gospel, and a pure ministry and lively ordinances, than thus before our eyes (if we would believe it) to see all these sacrificed to the lust of men, and given up and betrayed to prevailing wickedness and irreligion, and to a mystery of iniquity, which is now so evidently working. Alas! shall not this imminent utter confusion and desolation awake the Lord's poor church and people of these nations? O that the Lord would pour out his spirit upon all his servants and people, even upon so many of all ranks within the land, who have altogether fallen from their stedfastness, that with more open eyes they might discern both the danger this poor church is in, and the remedies thereof. Now, dearly beloved in our Lord Jesus, some few of his ministers and companions with you in the common tribulation, and in the patience and sufferings of Jesus Christ, have found it a small part of that duty that we owe unto you, to put you in mind of these things we have been hinting at, though you know them, and to stir you up by way of remembrance, and that not only to provoke you and ourselves both to a deep sense of these transgressions and sins, whereby we have provoked the Lord thus sadly to threaten us with a bill of divorce, to be no more a spouse to him, but also to establish you, and to comfort you concerning your faith, that no man should be moved by these afflictions which have either happened to you or us, ye yourselves knowing that we are appointed thereunto, being even in this set for the defence of the gospel: but the intent of our letter to you at this time, is to stir you up to that great mean and duty (all that seems now to be left unto us) of serious prayer, supplications and wrestlings with our displeased Lord, both alone and together, as the Lord shall give opportunity. And because we are not willing to advise any change of or addition to these times, so many of the Lord's people have been in use to set apart for that effect hitherto; therefore, we shall only beseech you in the bowels of Christ, to receive that exercise upon all occasions, but now especially upon the days formerly observed, and to hold more closely and vigorously thereunto, fervent in spirit, serving the Lord. Need we to recommend such an exercise unto you, which Christ himself hath so recommended, "that we ought always to pray, and not to faint," Luke xviii. 2. so much practised by the saints, especially in particular exigencies. Acts xii. 5. "Prayer was made of the church without ceasing;" an exercise ever followed with a blessed success, when seriously gone about. Psal. xcix. 6. James v. 16, 17, 18. "Having a sweet reward in its bosom;" in the mean time, even the "peace of God, which passeth all understanding, keeping and guiding both heart and mind, through Jesus Christ," Phil. iv. 7. We forbear farther to trouble you, from our hearts commending you to the grace of him in whom we have believed. Farewell.

* *Act anent deponing*, 1670.

Forasmuch as it is the duty of all good subjects, to give their best concurrence and assistance, as they shall be thereunto required by public authority, for discovery and punishment of all crimes against the public laws, or which may tend to the breach or disturbance of the public peace of the kingdom; and that it is an high contempt of authority, and a signal evidence of disloyalty and inclination to rebellion, to refuse or shift the same when required thereunto: therefore, his majesty, with advice and consent of his estates in parliament, doth hereby statute and ordain, that all and every subject of this kingdom of what degree, sex, or quality soever, who hereafter shall be called by his majesty's privy council, or any others having authority from his majesty, to declare and depone upon oath, their knowledge of any crimes against the public laws and peace of the kingdom: and particularly, of any conventicles or other unlawful meetings, and of the several circumstances of the persons present, and things done therein, or of the resetting and intercommuning with persons who are, or hereafter shall be declared fugitives or rebels, are obliged in

1670. quents they mean church-criminals, if I may call them so; people who were alleged to be at conventicles, field-meetings, or guilty of nonconformity; and all who will not turn informers upon oath, against their neighbours and friends, who heard presbyterian ministers, came under the compass of this act. The very narrative of the act involves the obeyers of it in the maintenance of all that at this time was comprehended under the public peace, and this was, by the executors of the law, if not the legislators, understood of peaceable subjection to bishops and their courses, and all the oppressions the country was laid under for their maintenance. The same narrative tells us further, "that the discovery and punishment of crimes tending to the breach of the public peace, is the duty of every good subject;" which is a certain truth, had not the subjects been under most iniquitous and unreasonable laws. But in the present circumstances, the sense of this proposition is, that every good subject is bound down, not only to inform against his neighbour, his father or mother, for going to a field-meeting or house-conventicle; but likewise, to be a hangman to every one that shall be condemned for what was now made a crime. And, according to this narrative, the refusers of this give signal evidence of their disloyalty, and inclination to rebellion.

The statutory part of the act is pretty remarkable: persons of all qualities and sexes are obliged to depone, not only before the council, but before "any other having commission from his majesty;" which includes all the officers of the army, and such who were set up as inquisitors up and down the country. Yea, single sentinels themselves, either got or assumed this power, of taking oaths with respect to delinquents. How becoming a thing would it have been to see a person of quality, of the highest quality, standing before an ensign, lieutenant, or single sentinel, giving oath *super inquirendis?* It was odd to see a parliament going into such an unreasonable thing; but we must cease from wondering at any thing out of the road of reason and decency, in this period. The special delinquencies, narrated with a "particularly" in the act, are not treason, murder, assassination, and other crimes of an extraordinary nature, neither were the cases such wherein some forms must sometimes be overlooked, in order to get the *testes necessarii;* they are "conventicles and unlawful meetings." How far this last may extend, is more than I know. These were the atrocious crimes against this constitution, in which father must depone against the son, husband against the wife, brother against the sister, and that in all the circumstances relative to them; not only personal presence at them, but resetting of such, and intercommuning with rebels. However near the ties of blood and friendship be, the parliament declare, that "in conscience" subjects are obliged to depone "against all such." And present close imprisonment, banishment, and deportation to the plantations, are the punishments appointed, not only upon a refusal, but even "a delay to depone" in this case. The council are required to look after the execution of this act. The last provision here is, "that no man's deposition against another, shall infer against himself the loss of life, or limb, or banishment." This clause does not appear to agree so well with their after-practice, of obliging people to declare and depone upon ensnaring questions relating to themselves.

The fourth act of this session needs not be insert: it is a new proof of their deep concern in the persons and houses of the

conscience, duty, and by the allegiance of subjects, to declare and depone their knowledge thereof, and of all the particulars relating thereunto. And if any shall happen to be so perversely wicked and disloyal, to refuse or delay, to declare or depone, being thereunto required as said is; his majesty, with advice and consent foresaid, appoints their punishment to be fining and close imprisonment, or banishment, by sending them to his majesty's plantations in the Indies, or elsewhere, as his majesty's council shall think fit. Likeas, his majesty with advice foresaid, doth require his privy council to be careful in trial of the crimes above-written, and in the speedy and due execution of the pains foresaid, upon all such, without exception, as shall refuse or delay to declare or depone thereupon, as said is. It is always hereby provided, that no man's declaration or deposition against any other person, shall infer against himself the pain of loss of life, or member, or banishment.

curates. It makes the assaulting the lives, the robbing or attempting to rob the houses of ministers, to be death; and a premium of five hundred merks is given to the discoverers of such; and slaughter in apprehending them is indemnified. All security doubtlessly ought by the laws to be given unto the persons and families of ministers; yet the reader will notice how frequent attempts were made, now and after this, upon the lives of presbyterian ministers, and how many of their families were scattered. Indeed these public robberies and assaults were coloured over by the present law; but that will never alter the nature of things. We have already heard, that there was no great cause for making of this law; and when the attempts upon incumbents came to be dipped into, they were generally found to be of no great importance.

The parliament's fifth act, about field conventicles, is so remarkable, that it deserves a room in this collection; the reader will find it below.* I have not met with any acts before it, in Scotland or any Christian kingdom, of this strain; and the bloody acts which follow, are very much bottomed upon this. By it a minister, preaching to a house full of people, if some happen to be without doors, is condemned to die. Some remarks offer upon the act itself, though indeed it is so unprecedented and rigid, that it needs no commentary. Upon the matter, the preface and narrative of this act have been already considered. It is a jest to tell, that "house meetings," or meetings for preaching the gospel, are "assemblies and convocations of the lieges without his majesty's warrant." Every one knew, "the free liberty of preaching and hearing the evangel," is again and again ratified by our laws; and if any thing since the (year) 1660, ranversed these good laws, which I see not, the "primitive Christians," as well as these under "antichristian tyranny," made no difficulty to meet for worshipping God, without the protection of the civil magistrate, 1670.

* *Act anent field-conventicles*, 1670.

Forasmuch as the assembling and convocating of his majesty's subjects, without his majesty's warrant and authority, is a most dangerous and unlawful practice, prohibit and discharged by several laws and acts of parliament, under high and great pains: and that notwithstanding thereof, diverse disaffected and seditious persons, under the specious, but false pretences of religion and religious exercises, presume to make, and be present at conventicles and unwarrantable meetings and conventions of the subjects, which are the ordinary seminaries of separation and rebellion, tending to the prejudice of the public worship of God in the churches, to the scandal of the reformed religion, to the reproach of his majesty's authority and government, and to the alienating of the hearts and affections of the subjects, from that duty and obedience they owe to his majesty, and the public laws of the kingdom. For the suppressing and preventing of which for the time to come, his majesty, with advice and consent of his estates of parliament, hath thought fit to statute and enact, likeas they do hereby statute and command, that no outed ministers who are not licensed by the council, and no other persons not authorized, or tolerate by the bishop of the diocese, presume to preach, expound scripture, or pray in any meeting, except in their own houses, and to those of their own family; and that none be present at any meeting, without the family to which they belong, where any not licensed, authorized, nor tolerate as said is, shall preach, expound scripture, or pray: declaring hereby, all such who shall do in the contrary, to be guilty of keeping of conventicles; and that he or they who shall so preach, expound, or pray, within any house, shall be seized upon and imprisoned, till they find caution, under the pain of five thousand merks, not to do the like thereafter, or else enact themselves to remove out of the kingdom, and never return without his majesty's license; and that every person who shall be found to have been present at any such meetings, shall be *toties quoties*, fined, according to their qualities, in the respective sums following, and imprisoned until they pay their fines, and further, during the council's pleasure, viz. each man or woman, having land in heritage, life-rent, or proper wadset, to be fined in a fourth part of his or her valued yearly rent; each tenant labouring land, in twenty-five pounds Scots; each cottar, in twelve pounds Scots, and each serving man, in a fourth part of his yearly fee: and where merchants or tradesmen do not belong to, or reside within burghs royal, that each merchant or chief tradesman be fined as a tenant, and each inferior tradesman as a cottar: and if any of the persons above-mentioned shall have their wives, or any of their children living in family with them, present at any such meeting, they are therefore to be fined in the half of the respective fines aforesaid, consideration being had to their several qualities and conditions. And if the master or mistress of any family, where any such meetings shall be kept, be present within the house for the time, they are to be fined in the double of what is to be paid by them, for being present at a house conventicle. And it is hereby declared, that magistrates of burghs royal are liable, for every conventicle to be kept within their burghs, to such fines as his majesty's council shall think fit to impose; and that the master or mistress of the house where the conventicle shall happen to be kept, and the

1670. yea, against his decrees. The character which follows, of the persons who keep up and frequent those meetings is very unjust and groundless. Disaffected to prelacy they still owned themselves to be, and the longer it continued, they saw the less reason to alter their opinion; but they never owned or approved any thing in the least seditious. The promoving of real religion in themselves and others, and their keeping their conscience undefiled from what they reckoned evil, was indeed before them; and they made no "specious appearances," since, as far as possible, it was both their endeavour and interest to be as much hid in their meetings as might be, far less were they chargeable with "false pretences to religion:" yea, I will venture to affirm that much of the real exercise of religion now in Scotland, was among them, and such as favoured them, and entertained a warm love to them. That those meetings were "seminaries of separation" from the prelates, was owned; every body knows it, and the government itself had allowed separation of this kind: but their being "seminaries of rebellion," must be proven before it be credited. It is nothing else but an old threadbare aspersion, cast with equal justice upon the primitive Christian confessors by their persecutors. What follows is singularly expressed, "tending to the prejudice of the public worship of God in the churches." Had it been expressed, "the prejudice of hearing the established clergy in the churches, it needed not be much controverted: but God's worship ought not to be confined to the churches, especially when thus filled. The Lord witnessed his acceptance of worshipping him in the fields

persons present thereat, are to relieve the magistrates, as the council shall think fit to order the same; it being notwithstanding free to the council to fine the inhabitants of burghs for being present at conventicles within or without burghs, or where their wives or children shall be present at the same. And further, his majesty understanding that divers disaffected persons have been so maliciously wicked and disloyal, as to convocate his majesty's subjects to open meetings in the fields, expressly contrary to many public laws made thereanent; and considering that these meetings are the rendezvouses of rebellion, and tend in a high measure to the disturbance of the public peace, doth therefore, with advice and consent foresaid, statute and declare, that whosoever, without license or authority foresaid, shall preach, expound scripture, or pray, at any of those meetings in the field, or in any house where there be more persons than the house contains, so as some of them be without doors (which is hereby declared to be a field conventicle) or who shall convocate any number of people to these meetings, shall be punished with death, and confiscation of their goods. And it is hereby offered and assured, that if any of his majesty's good subjects shall seize and secure the persons of any who shall either preach or pray at these field-meetings, or convocate any persons thereto, they shall for every such person so seized and secured, have five hundred merks paid unto them for their reward, out of his majesty's treasury, by the commissioners thereof, who are hereby authorized to pay the same; and the said seizers and their assistants are hereby indemnified for any slaughter that shall be committed in the apprehending and securing of them. And as to all heritors and others aforesaid, who shall be present at any of these field-conventicles, it is hereby declared, they are to be fined, *toties quoties*, in the double of the respective fines appointed for house-conventicles; but prejudice of any other punishment due to them by law as

seditious persons and disturbers of the peace and quiet of the kirk and kingdom. And seeing the due execution of laws is the readiest means to procure obedience to the same; therefore, his majesty, with consent and advice foresaid, doth empower, warrant, and command all sheriffs, stewarts of stewartries, lords of regalities, and their deputes, to call before them, and try all such persons who shall be informed to have kept, or been present at conventicles within their jurisdictions, and to inflict upon these who shall be found guilty, the respective fines exprest in this act; they being always countable to the commissioners of his majesty's treasury, for the fines of all heritors within their bounds. And his majesty, for the encouragement of the said sheriffs, stewarts, and lords of regalities, to be careful and diligent in their duties therein, doth allow to themselves all the fines of any persons, within their jurisdictions, under the degree of heritors; and requires the lords of his majesty's privy council to take exact trial of their care and diligence herein: and if the sheriffs, stewarts, and bailiffs, be negligent in their duties, or if the magistrates within burghs shall be negligent in their utmost diligence, to detect and delate to the council all conventicles within their burghs, that the council inflict such censures and punishments upon them as they shall think fit. And the lords of his majesty's privy council are hereby required to be careful in the trial of all field and house-conventicles kept since the first day of October, one thousand six hundred and sixty-nine, and before the date hereof, and that they punish the same conform to the laws and acts of state formerly made thereanent. And lastly, his majesty being hopeful that his subjects will give such cheerful obedience to the laws, as there shall not be long use of this act, hath therefore, with advice foresaid, declared, that the endurance thereof shall only be for three years, unless his majesty shall think fit that it continue longer.

and houses, very sensibly. That the prohibition of worshipping God in houses and the fields, especially in this bloody and antichristian manner, "was a scandal to the reformed religion," I do not question; but that the practice of presbyterians, here prohibited, was not so, is evident from the practice of our own reformers, and that of almost all the reformed churches, in less straitening circumstances than Scotland was in at present. The advisers to this and the like severe laws, certainly "cast a reproach on the king's government, and alienated the hearts of some of the best of his subjects from him," of which he was not altogether insensible, when it was too late; but nothing of disregard to the king's person or government, could as yet be objected against the preachers at these meetings.

I come forward to consider the statutory part of this act, which is double; against house conventicles, and what now was called field meetings. Even as to the first the act runs very hard; but as to the second it is unreasonably severe. The hardships as to house conventicles, will appear in the persons discharged, and the penalties. It is then statute, that no "outed ministers," this one would almost expect, but it is added, "no others," shall preach, expound scripture, or pray "any where but in their own family." This breaks in upon the rights of the ministers of Christ through all the reformed churches. A foreign minister, if he come to Scotland, must either turn episcopal, or be persecuted for the exercise of his office. Here all ministers, save the substitutes of the bishops, and these allowed by the council, are discharged "to preach, pray, or expound scripture any where but in their own house, and to their own family;" and why not to their own family upon the road, or in another house? And what reason can be given why they should not preach, &c. in another family, where providentially they happened to be, when it did not interfere with public worship in the churches? It is yet more strange to find them discharged "to pray any where but in their own house, and to their own family." If it must be supposed that "preaching and opening the scriptures," will alienate the hearts of subjects from this government; shall we think that praying in another family will do so *likewise*? Must poor presbyterians, in a sinful time, and under a persecuted lot, be hindered to pray together to the Lord? And if an outed minister comes to a family where he is desired, shall it be sedition in him to pray to God "out of his own house?" This, I confess, is a "scandal to the reformation," yea to Christianity itself, and a reproach on the king's government, if it be the import of the act, as I cannot see but it is. And to end this, as it relates to the persons, none must be present at such a meeting for "prayer, expounding, or preaching," under the following penalties. Which brings me to the other branch of hardships, "the penalties." Both preachers and hearers fall under the pains of sedition, and rebellion, I think, too, for a house conventicle. The minister is to be seized upon, and imprisoned, till he find caution not to keep another conventicle, under the pain of five thousand merks; a round sum indeed, and much more than many of the outed ministers had left them. In short, they must either bind themselves to give up their ministerial commission, or voluntarily banish themselves out of the king's dominions; and all this for "praying to God any where else but in their own houses." The poor hearers and joiners, *toties quoties*, are fined; "an heritor in a fourth part of his yearly valued rent, a tenant and labourer of the ground in twenty-four pounds, a cottar in twelve pounds, a servant in the fourth part of their fee." And that none might escape, their wives and children are fined in the half of the former sums "respective." The reader shall, within a little, know what prodigious sums were decerned against many gentlemen, for an accumulated number of times they were alleged to be guilty, in the terms of this act. And to secure all, "they are to be imprisoned till they pay the said fines;" yea, that they may be doubly punished for one fault, they are to be imprisoned further, "as long as the council sees fit." This was a good clause to keep them from incurring new fines; but the penalties do not end here. Further, to discourage these so

1670.

1670. much hated "house conventicles," the master or mistress of the house is to be "fined double the former rates." Yet all this did not discourage good people; but such meetings increased, to the fretting and galling of the prelates. Lastly, to be a cover for magistrates' persecution in burghs, the magistracy are most unreasonably made liable for such fines as the council shall inflict, for every house meeting within the burgh: and they are to have their relief off the housekeepers and hearers; and the council are empowered to fine the inhabitants, as they see good, to the boot.

But the statutory part of the act, anent field conventicles, is yet more severe; and the ministers and meeters at them have abundance of hard names bestowed upon them, "maliciously wicked, disloyal, tending in a high measure to the breach of the public peace." One would think, the first two are as much in house as in field conventicles. Field conventicles are described to be, not only what every one would guess them to be, "meetings in the open fields," but likewise "meetings in a house for prayer and preaching, where more meet than the house contains, and some are without doors." Now what a hardship was this, that a minister and a house-full of people should only be punished as above? but if two or three happen to be without doors, the minister and convocator must die: what difference can any reasonable man suppose this to make, in the supposed crimes answerable to the vastly different punishments; especially when the minister either knew it not, or could not help it, or some idle and malicious persons, with a design to make the meeting death, did gather about the doors? Well, the minister and convocator of such a meeting, "shall be punished with death and confiscation of goods." I hope the reader will observe the impudence and effrontery of the prelatic writers, who tell us, there were no severities exercised in the reigns of the two brothers, and term them "a time of the mildest government." Further, to gratify the persecuting temper of such who pushed these cruel acts, a reward of five hundred merks is offered out of the treasury, to such as shall "inform against, seize and secure the ministers or convocators of such meetings:" and if any, in apprehending them, shall commit slaughter, they are indemnified. Here is a price of blood, and a reward of unrighteousness. And the reader will notice a temptation, and a kind of necessity here laid upon the people, by the prelates and their supporters, to bring arms with them when they came to hear the gospel: which afterwards was punished by death, and about which so much noise is made by the friends of the bishops, and the advocates for those times. First they attempt, and then accuse and punish. They constrain people to bring arms to defend their ministers, who ventured their lives to preach the gospel of the kingdom to them, as they would not see them butchered, for their regard to their souls; and then they declare this to be treason. As to the hearers at those field conventicles, real and legal, for every fault, *toties quoties*, the "former fines are doubled, but prejudice of what other punishments the law lays them under, as seditious persons, and disturbers of the public peace." How oft must the same crime be punished?

As this law in all its points is extraordinary, so the execution of it must be proportionably out of the common road. Not only all sheriffs, stewards, lords of regalities, but their deputes are empowered, yea commanded, upon information, to call before them all persons within their respective jurisdictions, whom they suspect; and upon finding them guilty, to exact the above named fines. They are indeed made accountable to the council for the fines of heritors: but as a bribe, and the wages of unrighteousness, all the fines of others are given to themselves. It must be owned this was a very effectual way to execute this severe act; and by the way it will be noticed, that this clause puts me, or any who give accounts of the exorbitant and terrible fines and exactions, for many years following, upon this act, perfectly out of case to give a calculation of them. No register was kept, no account was to be made, and all was pocketed. By this time many of them have made a reckoning before the highest tribunal, whither some of them have

been very suddenly called, from the very places where they executed this iniquity established by a law. I could instance, but shall leave their names to be buried with them in their graves. And lest this bribe should not be effectual enough, the council are ordered carefully to inquire after, and overlook those under executors of this law, and punish their neglect, as they find cause. It is much this act is not made to look back, as was the fashion now of many of our laws. However, lest this omission should be improven to the advantage of presbyterians, the council are ordered to look back, and carefully to punish former faults, according to former laws. All is shut up with the parliament's hopes, that this act would do the business of presbyterians, either kill them, or convert them in three years' time, and so it is made only for that space. And the king is empowered, as a branch of his prerogative, to protract and lengthen it out as he pleaseth. I have taken a large view of the contents of this act, as containing a full document of the spirit of prelates, the severity of this period, and the hardships presbyterians were under at this time, and shall very quickly despatch the rest.

Their sixth act is "against disorderly baptisms," and I have annexed it in a note.* Its narrative I cannot well account for, unless it be from some principles, which of late are turned so fashionable among the prelatists, whereby all the reformed churches abroad, are unchurched. The act says "that baptisms by persons not publicly authorized, are scandalous to the protestant religion."— How, at a time, when the whole of our Scots management was calculated for bringing in of popery, they, upon every turn, hook in "the protestant religion," which they had so little at heart, I shall not determine: this I am persuaded of, that *it* is a scandal to the protestant religion, to restrict baptism, or make its validity depend upon a person's being publicly authorized by the civil magistrate. The penalties upon baptisms by any not thus authorized, are the fourth part of the heritor's yearly valued rent, a hundred pounds to the better sort, and fifty pounds to the meaner kind of merchants, tredesmen and tenants, twenty pounds to cottars, and the half of their fee to servants, *toties quoties*. And all the fines, except those of heritors, are given as above, to the under executors, to encourage them to diligence in persecution, when the bishop, curate, or any other informs. This act was a foundation for terrible exactions, and the contravening of it was more easily evinced than that of the former. 1670.

* *Act anent baptisms*, 1670.

Forasmuch as the disorderly carriage of some persons, in withdrawing from the ordinances of the sacraments in their own parish churches, and procuring their children to be baptized by persons not publicly authorized or allowed, is highly scandalous to the protestant religion, and tends exceedingly to the increase of schism and profanity; therefore the king's majesty, with advice and consent of his estates in parliament, doth statute and prohibit all his majesty's subjects, that none of them, of whatsoever degree or quality, presume to offer their children to be baptized by any but such as are their own parish ministers, or else by such ministers as are authorized by the present established government of the church, or licensed by his majesty's council, upon a certificate from the minister of the parish, if he be present, or in his absence, by one of the neighbouring ministers; and declares, that the father of any child which shall be otherwise baptized, shall be liable to the pains and penalties following, viz. every heritor, life-renter, or proper wadsetter, shall be fined in a fourth part of his valued yearly rent; every person above the degree of a tenant, having a personal, but no real estate, in one hundred pounds Scots; every considerable merchant in one hundred pounds; every inferior merchant, or considerable tradesman, and every tenant labouring land, in fifty pounds; every meaner burgess, tradesman, inhabitant within burgh, and every cottar, in twenty pounds Scots; and every servant in half a year's fee. And his majesty, with advice foresaid, requires the sheriffs, stewarts, lords of regalities and their deputes and magistrates of burghs royal, within their several bounds and jurisdictions, to be careful to put this act in execution; and that upon information from the bishop of the diocese, or any other, they call before them, and judge the persons contraveners thereof, and uplift the penalties foresaid. Likeas, his majesty, for the further encouragement of the said sheriffs, and others foresaid, to do their duty herein, doth allow them to retain for their own use, the fines of the several persons above-mentioned, except these of the heritors, for which they are to be countable to the commissioners of his majesty's treasury.

1670. The seventh act I have likewise added, in a note.* It is against separation, and is both a great foundation of the persecution of presbyterians, and a real toleration to papists.† In reading the narrative of this law, it will appear the lawgivers take it for granted, that keeping of the meetings for worship, under the prelates and their curates, is a compliance "with his majesty's government, as now established in the church," that is, as I take it, with his royal supremacy, "and a cheerful concurrence with such ministers, as by public authority, are or shall be admitted:" and therefore it is the less to be wondered at, that presbyterians, who could not in conscience comply with either the one or the other, under this view of the sense of the

* *Act anent separation*, 1670.

Forasmuch as it is the duty of all his majesty's good subjects, to acknowledge and comply with his majesty's government, as it is by the laws of the kingdom established in church and state, and in order thereunto to give their cheerful concurrence and countenance to such ministers, as by public authority are, or shall be admitted in their several parishes, and to attend all the public and ordinary meetings of divine worship in the same; and seeing the laws of the kingdom have declared a withdrawing, and not keeping of, and joining in these meetings, to be seditious, and of dangerous example and consequence, his majesty conceives himself also bound in conscience and duty to interpose his authority, that the public exercises of God's worship be countenanced by all his good subjects, and that such as upon any pretext do disorderly withdraw, be by the censures of the law made sensible of their miscarriages, and by the authority of the law, drawn to a dutiful obedience to it: and therefore, his majesty, with advice and consent of his estates in parliament, statutes, ordains, and commands all his good subjects of the reformed religion within this kingdom, to attend and frequent the ordinary meetings appointed for divine worship, in their own parish churches, declaring hereby, that every such person who shall three Lord's days together, withdraw and absent themselves from their own parish churches, without a reasonable excuse, to be allowed or disallowed by the judges and magistrates after-mentioned, shall, *toties quoties*, be liable to the pains and penalties following, viz. every person having land in heritage, life-rent, or proper wadset, in the eighth part of his or her valued yearly rent; every tenant in six pounds Scots; every cottar or servant in forty shillings Scots; every person above the degree of a tenant, and who hath a personal, but no real estate, in twelve pounds Scots; every considerable merchant, in twelve pounds Scots; every inferior merchant, and considerable tradesman, in six pounds Scots; every other meaner burgess, tradesman, and inhabitant within burgh, in forty shillings Scots. And his majesty, with advice and consent foresaid, doth commit the execution of this act, and the raising the penalties above-mentioned, to the sheriffs, stewarts, lords of regalities and their deputes, and to magistrates of burghs within their several respective jurisdictions, and doth hereby authorize and require them to be careful to see this act put in due execution; and in order thereunto, that they examine upon oath such persons in every parish as they shall think fittest, for discovery of such as shall withdraw, and thereby incur the penalties above-mentioned. And for their encouragement herein, his majesty, with advice foresaid, doth hereby allow to themselves the fines of all persons within their respective jurisdictions, below the degree of heritors, they being always countable for the fines of the heritors to the commissioners of his majesty's treasury. And in case any heritor, liferenter, or proper wadsetter, shall be so froward and obstinate, as to withdraw from their parish churches for the space of one year, notwithstanding of their being fined as aforesaid; it is ordained, that the sheriffs and other judges aforesaid, within their several jurisdictions, delate them to his majesty's privy council, who are hereby authorized to call the said persons before them, and to require them to subscribe the bond following. "I oblige myself, that I shall not upon any pretext or colour whatsoever, rise in arms against the king's majesty, or any having his authority or commission, nor shall assist nor countenance any who shall rise in arms." And if any person so called and required, shall refuse or delay to subscribe the bond, that the lords of his majesty's privy council secure, or banish them, as they shall think fit. And it is hereby declared, that upon such refusal or delay to sign this bond, the single escheat and life-rent escheat of the refusers or delayers shall fall and appertain to his majesty, and is to be intromitted with, and disposed of for his majesty's use. Likeas, the lords of his majesty's privy council, are hereby required to call, from time to time, for an account from the sheriffs, and others foresaid, of their diligence in putting this act in execution; and if they be found negligent, that they inflict such censures and punishments on them, as they shall judge fit. And it is further declared, that this act is to endure only for the space of three years, unless his majesty shall think fit it continue longer. And it is further hereby provided, that this act is to be without prejudice of the censures of the church, to be used against such who shall be absent from the public meetings for God's worship, conform to the former acts and practices of the church thereanent.

† "The earl of Lauderdale with his own hand put in a word in the act that covered the papists, the fines being laid on such of the reformed religion as went not to church. He pretended by this to meet with the popish party, the duke of York in particular, whose religion was yet a secret to us in Scotland, though it was none at court. He said to myself, he had put in these words on design to let the party know they were to be worse used than the papists themselves."—Burnet's *History of his Own Times*, vol. i. p. 430.—*Ed.*

legislator, did withdraw. Their withdrawing was before in law sedition; but now the king is made "to reckon himself in conscience bound" to go some further lengths, and so commands all his "subjects of the reformed religion" to attend public worship, under the penalties afternamed. This was, and most reasonably, reckoned a relaxation of all the former laws made against papists, and a material toleration to them. So they took it, and the executors of the law never touched them: but all protestants who withdraw from their parish church three Lord's days together, are to be fined *toties quoties*. Heritors in the eighth part of their rent, tenants in six pounds Scots, cottars and servants in forty shillings, merchants and tradesmen as in the act; and the sheriffs, &c. are bribed to execute this, as in the fifth act above. And besides, they are made judges of relevancy as to the excuse for absence, though they be parties, in all cases, save that of heritors, and would probably determine favourably for their own purse. They are further empowered to take what oaths they find needful for discovering the guilty in every parish; which was a new handle of persecution, according to the second act just now noticed.

A pretty singular clause is tacked to this law. If an heritor, liferenter or wadsetter continue a year absent from his parish church, the sheriffs, &c. are to delate them to the council, who are to put the bond of nonresistance and passive obedience, annexed to the act to them; and upon their refusal or delay to subscribe the bond, they are to secure or banish them; and their "single and liferent escheat falls immediately to the king, and is to be intermeddled with for his use. This both quickened the under-executors of the law to their work of fining, lest the council should take it out of their hand, and proved, in a few years, ruining to the estates and families of not a few. It cannot escape the reader's remark, that the loss of single and liferent escheat, imprisonment, and banishment, is here the punishment annexed to simple withdrawing from parish churches; beside the fines the under-exactors may have uplifted before. This is plain oppression, merely for conscience' sake. The council are likewise to look after the execution of this act, and censure inferior judges for their negligence: and it is to endure three years, and as long further as the king, *i. e.* the prelates, pleaseth, and to be without prejudice of ecclesiastical censures. In this parliament then we see a very broad foundation laid for heavy and rigorous persecution of presbyterians, in their goods, liberty, and life. The council and under-judges were not negligent in the execution of those acts, during the eight following years, which, together with the sending into the west country a barbarous Highland host, to exasperate people's spirits, all which issued in a second and fruitless appearance at Bothwell, was justly chargeable upon these unaccountable laws, and their severe execution. But we shall first meet with the cunning of the fox, going before the paw of the lion; and that brings me to 1670.

SECT. IV.

Of the accommodation proposed with presbyterians, and other methods taken this year, by bishop Leighton.

HAVING considered the rigid measures taken this year with prebyterians, I come to give account of some attempts of another nature made upon them, in order to shake them off their principles, and to divide them among themselves. Mr Robert Leighton, bishop of Dunblane, upon archbishop Burnet's demission, was made commendator, or administrator of the archbishopric of Glasgow; and this altered matters a little with relation to presbyterian ministers who lived in that diocese. This man set up upon another lay, than the rest of the bishops. Somewhat hath been said of his character in the first book: I shall only now add, that he was son to Dr Leighton;* who for his "Zion's Plea against Prelacy," had his ears cropt in England. The son, from zealous violent covenanter at Newbottle, by desert-

* See note, vol. i. p. 237.

1670. ing his charge there, got in to be principal of Edinburgh, where he led a very monkish life: and after the restoration, turned so courtly, as to embrace the meanest of the bishoprics: and now, having the see of Glasgow in *commendam*, he affected to show himself first pure, and then peaceable; and appoints a purging committee for his clergy, and then endeavours to retrieve their credit, by bringing some of the most eminent preachers of the prelatical set to the west. Towards the end of the year, his proposal for an accommodation was made. A taste of each of these perhaps the reader may desire, and though they do not so directly relate to the sufferings, I shall hint a little at them, since we have not the ecclesiastic history of this time.

When the bishop entered upon the administration, he finds the country full of complaints of the scandals of his clergy; and, I suppose at his first synod, he appoints a committee of his underlings to receive complaints, regulate the affairs of ministers, convene before them the scandalous and unworthy, make trial of what was laid to their charge, and to determine according as they found cause. As far as I can learn, this committee was not restricted to the members of the diocese of Glasgow; but Mr Charters, Mr Nairn, Mr Aird, and some others, whom we shall find just now were brought west upon another errand, were joined to them: and the council being acquainted with the design, interpose their authority in the matter, by their act, August 25th. "The council being informed, that the synod of Glasgow have appointed a committee of their number, to hear and take trial of such complaints as shall be given in to them against scandalous ministers; and it being expedient that they have all encouragement in what is committed to them, do appoint Sir John Cochran of Ochiltree, Sir Thomas Wallace, Sir John Cuningham, Sir John Harper, the provosts of Glasgow and Ayr, to meet with them, and countenance and assist them, and be careful that their orders and citations be obeyed." Public intimation was made throughout the diocese of Glasgow, that liberty was granted to all, to table their complaints against their ministers, before the bishop and the assistants he had assumed. Whatever zeal seemed to discover itself in this new step the bishop was pleased to take, yet no great advantage to the interests of pure religion was expected by persons who considered how matters stood. Every body knew, that while the bishop was at Dunblane, he had as scandalous and ignorant a clergy as in Scotland, and yet there, he never offered to turn one of them out.

When this committee met in September, they endeavoured to make as narrow a door as might be for complaints and delations; and in the entry, to put an effectual bar in the way of accusations, it was urged, that none should be permitted to table a complaint against a minister, unless he first took and signed the declaration; but finding from some lawyers with them, that they had no warrant to require the declaration, this proposal was unwillingly laid aside. I find it remarked by some, that to discourage complainers, they ordered that such as did succumb in the probation of their libel, should appear in sackcloth before the congregation, as slanderers of their minister; and accordingly, that one, in the entry upon his failure in full probation, was thus censured, *ad terrorem*. But for my own share, I think nobody should be suffered to bespatter the reputation of others, without proof. Whether the committee drove this matter too far I cannot tell. By those things a good many parishes were hindered from appearing against their curates, expecting but little justice from the bishop and his assistants: and where it could be got done, not a few chose rather to agree with them for a little money, voluntarily to remove. This severals did accept of, and some went to Ireland, some to the north and east country, whence they came. However, in some places the probation was so clear, there was no getting by it. The incumbent at Killallan, in the presbytery of Paisley, was deposed *simpliciter*. His nearest neighbour in Kilmalcom, of whom before, with some three or four others, were only transported, and removed elsewhere, although

several acts of drunkenness were directly proven against them.

The evident partiality of the committee, in the case of the forementioned Jaffrey of Maybole, made the greatest noise. We have heard, that lately he libelled his parishioners for an attempt upon his life; now they take their turn, and libel and prove before this committee the crimes of profane swearing, striking, fighting, and plain drunkenness: yet the committee were in a fair way to absolve him, and censure his accusers; and would have done so by plurality of voices, had not the bishop, ashamed of this, interposed, and in the plenitude of his episcopal power, forbid him the exercise of his ministry in that parish. Thus the committee were either partial, or the bishop unjust in his censure, which was indeed generally looked on as soft, and very disproportioned to his crimes, and both were blamed. However, the people got rid of this troublesome guest. This is all the account I have of this purging committee, which made so much noise, and did so little to the purpose.

About the same time, the bishop took another method to prevent any further indulgence to presbyterian ministers, and, if possible, to retrieve the credit of the clergy, and to cast a cloud upon the indulged presbyterian ministers. The council are prevailed with to hire and send west, some of the episcopal clergy, whose fame, learning, and preaching gifts, might most recommend them to the people in the west country. I find nothing of this in the registers; but I am well informed, they had all of them letters from the council to go west, and a share of the vacant stipends promised them, or a gratuity from the treasury. Those were by the country people termed ironically, "the bishop's evangelists." As far as I can recover them, their names were, Mr James Nairn, a person of very considerable learning and gifts, but inclinable to the Pelagian tenets, as was then thought; Mr Gilbert Burnet, well known to the world since, first professor of divinity at Glasgow, and after that persecuted for his appearing against popery, and for the cause of liberty; and since the revolution, the learned and moderate bishop of Sarum, one of the great eyesores of the highfliers and Tories in England, and a very great ornament to his native country; Mr Laurence Charters, a man of great worth and gravity, but not altogether so fit for a mission of this nature, by reason of his unpopular utterance; Mr James Aird, commonly called "bishop Leighton's ape;" Mr Patrick Cook, and Mr Walter Paterson. These persons, at least some of them, were of such reputation and credit with their admirers, that it was reckoned all the west would be proselyted by them, or at least very much exposed, if they fell not in with them; but they themselves found matters otherwise when they came.* Few proselytes were made, and in many places where they came, they could not have a congregation. Two or three hundred were the utmost, and these mostly of the younger sort, who came out of curiosity, and after a day or two left them; so that very soon they wearied of their fruitless undertaking, and the gravest of them frankly owned, that the west country could not be edified so well as by their own ministers. The indulged had not the least hurt by this experiment. Beside the stipend of parishes where they preached till they wearied, I am told, the council bestowed liberal rewards upon them. 1670.

The last effort bishop Leighton made, was, toward the close of this year, by the accommodation proposed to some of the presbyterian ministers. The design of this was nothing else but to hook in the presbyterian ministers to an unperceived subjection to bishops: the snare was seen, and prudently and cautiously evited. The case of

* Burnet, speaking of this affair, says, "The people of the country came generally to hear us, though not in great crowds. We were indeed amazed to see a poor commonalty so capable to argue upon points of government, and on the bounds to be set to the power of princes in matters of religion. Upon all these topics they had texts of scripture at hand; and were ready with their answers to any thing that was said to them. This measure of knowledge was spread even among the meanest of them, their cottagers and their servants."—History of his Own Times, vol. i. p. 431.—*When or where did* ever episcopacy produce such effects?—*Ed.*

1670. this accommodation is already published, and in the hands of many; so I shall only give a short narrative of this business. Much of it was transacted this year, and the last part of it in the beginning of the next. All shall be put together in this place. . .

The king's commissioner, Lauderdale, at bishop Leighton's desire, wrote letters to Mr George Hutchison indulged at Irvine, Mr Alexander Wedderburn at Kilmarnock, Messrs Matthew Ramsay and John Baird at Paisley, Mr John Gombil at Symington, desiring them to come into Edinburgh, August 9th, this year, upon matters of considerable importance he had to communicate to them. They all came at the day, and waited upon the commissioner at Holyrood-house, where they found some of the counsellors, bishop Leighton, and Mr Burnet, about this time made professor of divinity at Glasgow. Lauderdale opened the meeting, with acquainting the ministers, that he had not heard of any miscarriage in any of them; but he had sent for them to advise with them concerning an accommodation, and to propose an agreement upon joint measures, which might tend to the peace of the church; and enlarged upon the king's great condescension to them, and his wishes for a complete unity and harmony. Bishop Leighton seconded the commissioner in a long harangue, insisting much upon his majesty's clemency and benignity, mixing in some bitter remarks upon some alleged evils in the presbyterian constitution, he had observed when among them. The ministers made no reply to him, this being not so proper a place; but, on the morrow in his chamber, they answered his reflections at full length. Lauderdale pressed that they might give their sentiments of the proposal of an accommodation betwixt the dissenting parties about church government in the west. They signified that the proposal did concern the whole body of presbyterians, indulged and not indulged, and declined to give their private judgment in a thing of general concern, till their brethren were consulted. They likewise desired the proposal might be given them in writ; which the bishop promised, but did not perform.

The result of this conference was, the commissioner allowed presbyterian ministers, indulged and not indulged, to meet among themselves, to consider the bishop's proposal; and gave them until the first of November, to think upon an answer. When the bishop neglected to give them his project in writing, the ministers, among themselves, put the substance of it in this shape, to be communicated to their brethren. "Presbyteries being set up by law, as they were established before the year 1638, and the bishop passing from his negative voice, and we having liberty to protest and declare against any remainder of prelatic power retained, or that may happen at any time to be exercised by him, for a *salvo* for our consciences from homologation thereof; *Quæritur*, Whether we can, with safety to our consciences and principles, join in these presbyteries? Or, what else it is that we will desire or do for peace in the church, and an accommodation, episcopacy being always preserved?"

Accordingly, the ministers in the south and west had a very frequent [full] meeting; and, after full and free conversation, and mature pondering over every thing which offered in favour of an accommodation, they all agreed that the above concessions were not sufficient to be a foundation of their sitting and acting in presbyteries and synods with the prelates. I have seen several papers which at this time passed among the ministers on this subject: and the writer of "the case of the accommodation" hath, at great length, given the arguments against the proposed accommodation. The substance of the reasons offered against it, at the meeting of ministers, as far as I can reach them, was in short, That although presbyterian ministers did sit and act with bishops before the (year) 1638, yet then presbyterian government was in *possessorio*, by standing acts of parliament not rescinded; and the prelates were merely obtruded upon presbyteries and synods: whereas now, episcopacy is established, and presbyteries are by law discharged. By the act of parliament 1592, presbyteries were owned to be courts of Christ; the intrinsic power and spiritual jurisdiction of the church and its judicatories, sessions, presbyteries, synods, and general assemblies, was then

ratified: but now that act is rescinded, the government and policy of the church is declared to depend upon, and to be ordered by the "royal supremacy," as an inherent prerogative of the crown. By virtue of this, bishops are allowed to assume whom they please in presbyteries and synods, as mere assistants; and these meetings now entirely depend upon the king's supremacy, and the prelates as his substitutes. It was added, that the old presbyterians made a difference betwixt sitting in presbyteries with a bishop, or his "constant moderator," and sitting with him in his "diocesan synod." After the pretended assembly at Glasgow was ratified, 1612, and the bishops were invested with the sole power of ordination and jurisdiction, the presbyterian ministers, generally speaking, left the bishops' meetings; and, as soon as Providence opened a door, they did their utmost to be rid of the prelates, and brought about that notable reformation 1638, of which a joining with the bishops, as now proposed, would be a plain giving up.

Further, as to the bishop's negative voice, the present proposal did not appear to them clear and distinct. The bishop had lately used it in Jaffrey's case; there was no law to restrain it; though the present commendator yielded it, his successor might claim it. Besides, the bishop faltered a little, as to this part of his own proposal, in conversation with the ministers. When they asked him what he would do, upon the supposition he and the presbytery could not agree upon a point in debate; he answered, he would enter his dissent against them. And when urged, whether his dissent would be any more than that of another member, he declined speaking of this, and said, the estates behoved to determine that. So his dissent upon the matter, seemed still to be a negative, at least upon the execution of the presbytery's sentence. They reckoned a protestation against the episcopal constitution, while they sat and acted with a bishop, would be *protestatio contraria facto*, and so no salve to their conscience. A considerable difference appeared to them betwixt joining in public worship with a bishop, or such as were ordained by him, and sitting in courts with them; since the first did not, in all cases, necessarily infer any approbation of the corruptions of the minister, or mouth of the worshipping society: but they could not see how to join in discipline, without approving of the episcopal power, whereby the acts of discipline were exercised. In short, though this proposal should have taken in the bounds of the synod of Glasgow, yet the rest of the prelates were utterly averse from it. In fine, the ministers reckoned this accommodation inconsistent with their principles. The presbyteries they were to meet in, were founded only upon the bishop's commission, which he might enlarge or straiten as he pleased: they were denuded of the power of jurisdiction and ordination, which the bishop reserved in his own hand: they wanted ruling elders, officers, in their opinion of Christ's institution. In a word, the bishop, in the presbytery, was still clothed with an episcopal power, though he should, for a while, lay aside the exercise of it; and they reckoned their sitting with him homologated episcopacy. 1670.

Upon all these accounts, and many others too long to be narrated, the ministers most harmoniously refused the accommodation; and such of them as before had been called into Edinburgh, went back at the appointed time. When they came, the noblemen, and the earl of Tweeddale in particular, who had been very forward in this matter, were gone to London; so the ministers resolve to wait their return, and then give their answer, if required. Meanwhile bishop Leighton assaults some of them, by letters of the date November 12th and 19th, desiring a conference with the indulged and nonindulged, and offering to explain his proposal, and add more concessions. He likewise pressed the ministers to name time and place. Yet, it was known, that at the same time, he was spreading letters to some of his friends, inveighing against the presbyterians, for not accepting of his proposal, though their answer was not yet made public. Such who received letters from the bishop, advised with their brethren, who all dissuaded them from answering in writ; but Messrs Hutchison and Wedderburn went into him, and expostulated with him for his letters to his

1670. friends just now mentioned. The bishop extenuated the matter, and alleged what he had written, was some considerable time since. They gave him to know, they did not decline a conference, providing it was legally allowed by the magistrate; but would not name time and place. At length, when he let them see my lord Tweeddale's letter to him anent this, for their part they agreed to the meeting, which the bishop appointed at Paisley, December 14th.

That day bishop Leighton, the provost of Glasgow, Sir John Harper of Cambusnethan, Mr Gilbert Burnet, Mr James Ramsay, dean of Glasgow, came to Paisley, and about twenty-six presbyterian ministers, indulged and not indulged, met with them there. The meeting was begun with prayer, by Mr Matthew Ramsay, eldest minister of the town. The bishop opened their conversation with an eloquent and elaborate discourse, of near an hour's length. He harangued upon the peace of the church, evils of division, and his own condescension to his brethren, with commendations of episcopacy, and plain enough invectives against presbytery. He added some persuasives to fall in with his proposal, and insinuated pretty open threats, if it were not gone into.

Mr John Baird, as had been concerted by the rest, spoke next, and signified, that the brethren had seriously considered the proposal made to them in August; and could not, without quitting their principles, and wronging their conscience, condescend to sit in judicatories with a bishop, under whatever name, who is not chosen by these meetings, nor liable to censure from them for malversation, and, so far as he could, retains his negative power, and continues a prelate; with whom they reckoned themselves bound, by solemn engagements to God, not to comply. The bishop said, in his usual affected way, "Is there then no hope of peace? are you for war? is all this in vain?"

Mr Ralph Rogers resumed some of the bishop's innuendos and reflections upon presbyterian government, and refuted them. He had alleged that for many hundreds of years, bishops had never been opposed in the Christian church, except by Ærius. Mr Rogers assured him, he could disprove this, and asserted, that the patrons of episcopacy would never evince, that for some hundreds of years there was any bishop in the church, who was not chosen by the clergy, and every way accountable to them; or that there were any archbishops, with the power they now assume. He stated, with a great deal of plainness, the differences betwixt the primitive and present bishops; that these were still chosen by presbyters, and those imposed upon them; these only presided, those do a great deal more; that in the primitive times there were more than one in a city, and so could not have that jurisdiction they now claim.

Mr Burnet replied, by denying the primitive bishops' mere precedency, and asserting, there were then archbishops really, though they had not the name; and that more bishops than one in a city was a fault; and that Augustine regrets it.*

Mr Wedderburn answered, that the present bishops were either accountable to the presbyteries, or uncontrollable; since, in most places, for a long time, there were no provincial synods: that Augustine complains of his entry into a place where another bishop was settled, only as the transgression of a canon of the council of Nice; which supposeth, that before that council, the practice was ordinary. And whereas the bishop had alleged, it was impossible, from scripture or antiquity, to prove that mere presbyters had the power of the keys of discipline; Mr Hutchison took notice, that it was plain, Christ gave the power of the keys of discipline and government, to these to whom he committed the keys of doctrine; and observed, that it was undeniable that the key of doctrine was committed to pres-

* Burnet, History of his Own Times, vol. i. p. 443, says, "I was then full of those matters, so I answered all his speech, and every one of his quotations, and turned the whole upon him, with advantages, that were too evident to be so much as denied by their own party. And it seemed the person himself thought so; for he did not offer at one word of reply." The bishop seems to have forgotten that there are many reasons for not replying to an opponent; the weakness of his arguments, sometimes being as cogent a one as their strength.—*Ed.*

byters. No reply was offered to this. The bishop rose up, and begged they might not enter upon debates, which would be endless, and not answer the design of their meeting. This was gone into, only, in the progress of their discourse, Mr Alexander Jamison reasoned so closely with the bishop, anent the prelates' power over presbyters, that the bishop turned a little uneasy. His nose fell a bleeding; whether from this or not I shall not determine, but he was forced to retire a while. Several others inclined to have entered the lists with the bishop and professor, but were prevented by declarations, that the meeting was not for disputes.

Mr William Adair, and Mr James Nasmith, apprehending that the liberty taken in their reasonings, might come to be made use of as a handle against the whole of presbyterian ministers, moved for a delay till to-morrow, and desired the bishop's proposal in writing, to consider upon. The bishop said, he had no warrant to give any thing in writ; yet, at Sir John Harper's desire, Mr Burnet set down the sum of the bishop's condescensions, which was read *coram*, and the bishop approved it, as containing his mind. I have annexed a copy at the foot of the page.* And the reader who desires to dip into this affair, will find them at length considered in the case of accommodation. On the morrow, when the ministers had considered this paper, they found it considerably different from the proposals made at Edinburgh: and they craved some time to consider the matter further, which was granted them; and they were told, that against the 12th of January next, their mind would be expected at Edinburgh. Thus the meeting at Paisley ended. 1670.

The ministers met at Kilmarnock in a few days, and unanimously agreed, that the last propositions were more unsatisfactory than the former proposal: and, I am told, they drew up their mind in writ, and nominated Mr George Hutchison, Mr Alexander Wedderburn, Mr Robert Miller, Mr William Maitland, and some others, to go in to Edinburgh, and deliver their answer in writ, if it was required; and gave them liberty to add to it as they saw necessary. I have not seen a copy of what was agreed to at Kilmarnock, neither do I find that they inclined that any thing should come from them in writ, unless commanded by the government, and pressed to it. I have before me a copy of some proposals made about this time; but whether before or after the meeting at Paisley, I know not. They were not, as far as I know, agreed to by any meeting of ministers, but drawn up by some private hand, as a counter proposal to bishop Leighton's. How far they would have satisfied all presbyterian ministers in their present circumstances, *pro tanto*, I shall not say; but I have insert them below,† as what may give some further light to this affair.

These brethren who were nominated,

* *Bishop Leighton's proposal at Paisley.*

1. That if the dissenting brethren will come to presbyteries and synods, they shall not only not be obliged to renounce their own private opinion anent church government, and swear or subscribe any thing thereto, but shall have liberty at their entry to the said meeting, to declare and enter it in what form they please.

2. That all church-affairs shall be managed, in presbyteries or synods, by the free vote of presbyters, or the major part of them.

3. If any difference fall out in the diocesan synods, betwixt any of the members thereof, it shall be lawful to appeal to a provincial synod, or their committee.

4. That entrants being lawfully presented by the patron, and duly tried by the presbytery, there shall be a day agreed on by the bishop and presbytery, for their meeting together for their solemn ordination and admission, at which there shall be one appointed to preach, and that it shall be at the parish church, where he is to be admitted, except in the case of impossibility, or extreme inconveniency; and if any difference fall in touching that affair, it shall be referable to the provincial synods, or their committee, as any other matter.

5 It is not to be doubted, but my lord commissioner his grace will make good what he offered, anent the establishment of presbyteries and synods; and we trust his grace will procure such security to these brethren for declaring their judgment, that they may do it without any hazard, in contravening any law, and that the bishop shall humbly and earnestly recommend this to his grace.

6. That no entrant shall be engaged to any canonical oath or subscription to the bishop, and that his opinion anent that government, shall not prejudge him in this, but that it shall be free for him to declare.

† *Counter-proposal to the former.*

1 That episcopacy being reduced to a fixed presidency in presbyteries, synods, and general assemblies, all church matters be managed,

1670. came in to Edinburgh against January 11th, 1671, where they found the chancellor, duke Hamilton, earl of Tweeddale, and some other counsellors, with bishop Leighton and Mr Burnet. There were two meetings at Holyrood-house, upon the 11th and 21st, and the ministers had several conferences more privately with the bishop, and sometimes with some of the noblemen. I have seen two written accounts of what passed at Edinburgh at this time; one drawn by the bishop, which is answered in the appendix to the case of accommodation; and another drawn by some of the ministers who went in to Edinburgh. It is needless to swell the notes with them. In short, the ministers declared the bishop's proposals unsatisfying to them and their brethren; and narrated some reasons why they reckoned them so. The bishop, at one of the meetings with the chancellor, offered a dispute with them. Mr Hutchison very modestly declined this, observing that he was not in *tuto* to dispute against episcopacy, by reason of the standing laws, discharging speaking or writing against it, or arguing for presbytery, under the pains of sedition. Mr Burnet insulted a little upon this, and jeered them, because they would not appear in their cause, which they called "the kingdom of Christ." Upon this Mr Wedderburn accepted the challenge, providing the chancellor and counsellors present would allow him; and offered to prove presbyterian principles to be agreeable to scripture, reason, antiquity, and the judgment of our reformers from popery: but the allowance was not granted; so this proposed accommodation broke up.

CHAP. VI.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS IN THE YEAR 1671.

THIS year does not afford so much matter for a history of sufferings, as many in this period; and therefore I shall despatch it the more quickly, without breaking it into sections. The indulged ministers have their hardships growing upon them, their brethren, the outed ministers, are likewise brought into trouble; the persecution is continued upon the account of conventicles, and several gentlemen, formerly confined, are hardly enough dealt with in their prisons, for their alleged accession to Pentland; popery in the mean time is very much increasing. These things, with some other incidental matters this year, I shall 1671.

decided, and determined by the plurality of the votes of presbyters convened in the said respective meetings, and that bishops act nothing, neither in ordination or jurisdiction, but by moderating in the said meetings without a negative.

2. That it shall not be in the bishop's power to refuse to concur in the ordination of any persons lawfully presented by the patron, and duly tried and approven by the presbytery; and that the ordination be publicly done by the concurrence of bishop and presbytery at the parish kirk; and in case the bishop, by some intervening invincible impediment, cannot keep the day and hour agreed upon, that a new day be appointed, and that as soon as possibly can be thereafter, for the said ordination; and in case the bishop shall refuse or delay to concur in the ordination, the lords of his majesty's privy council shall, upon complaint of the patron, parish, or presbytery, direct letters of horning, charging him for that effect.

3. That as general assemblies, synods, and presbyteries, are razed and quite taken away, by act of parliament for restitution of bishops 1662, and the act for a national synod, so they be also revived again by act of parliament, the indiction of the general assembly being reserved to the king, and the moderating in the synods to the bishops, as also in presbyteries when they are present, and, in their absence, by other moderators chosen by the synod.

4. That outed ministers, not yet indulged, shall enter into charges as freely as they who are indulged.

5. Because many godly ministers cannot be satisfied in their consciences, silently to concur with a bishop or a fixed president in the exercise of government, that it shall be leisom to them at their first entering into the said presbyteries, synods, and general assemblies, and as oft thereafter as they shall think fit, to protest.

6. That entrants to the ministry have the same liberty, and be free of the oath of canonical obedience.

7. That the oath of allegiance be cleared, and the king's power and supremacy in ecclesiastical matters to be only *potestas civilis*.

8. And lastly, because the intervals betwixt general assemblies may be long, to the effect bishops may be censurable for their lives and doctrine, that there be a meeting yearly of the whole bishops, with three or more ministers, to be chosen by the free votes of the several synods, who shall have power to depose, suspend, and otherwise censure the bishops, but have no power to meddle in any other ecclesiastical matter.

give some brief accounts of, that the state of the church of Scotland, under the cross, year after year, may the more plainly be seen. It hath been already observed, that the real design of the accommodation, which broke up in the beginning of this year, was to ensnare presbyterians; and when they refused to come into the net, great care was taken to represent them as unreasonable men, and a party who had nothing to say for themselves; while they were not allowed to speak in their own cause, the present severe laws putting a bar upon them. The bishops took care to improve this occasion, to continue the stop which was put to indulging any more presbyterian ministers, and to bring new difficulties upon such as were already allowed. The restrictions and limitations laid upon the indulged brethren this year, were put to a pretty strict execution. I find it observed by some, that Lauderdale, who with some opposition got the indulgence passed, had some difficulty to get it kept up; till it came to appear, that people began to split upon this head, and divisions to creep in, and then the limitations were but little pressed, and their disturbance came to be but very small; only some of the inferior clergy fretted, and reflected upon Lauderdale, as in heart a presbyterian, because he supported the indulgence.

When the accommodation was at an end, January 26th, the council make an act, confining all the indulged, who kept not presbyteries and synods, to their parishes. It is but short, and as follows: "Forasmuch as the lords of his majesty's privy council, in pursuance of his majesty's royal pleasure, signified to them by his letter, June 7th, 1669, did by their act of July 27th, 1669, ordain all such outed ministers, as should be allowed to exercise the ministry, to keep kirk sessions, presbyteries, and synods, as was done by all ministers before the year 1638, and did declare to them, that such as should be allowed to exercise the ministry, and should not obey in keeping of presbyteries, should be confined within the bounds of the parishes where they preach, ay and while they give assurance to keep presbyteries; and the said lords being informed, that hitherto obedience hath not been given to the foresaid act of council, do therefore command and require all and every one of these ministers, allowed by order of council to preach, to keep presbyteries in time coming: and do hereby confine all those who shall not give obedience, in keeping presbyteries, within the bounds of their respective parishes where they preach: and ordain extracts of this act to be sent to every one of the said ministers, that none of them pretend ignorance." 1671.

It was hard enough to confine any subject without a fault, and yet not disagreeable to the arbitrary measures of this time; but it looks yet worse to confine ministers, unto whom they pretend to be allowing favours, merely for conscience' sake. This confinement, at first view, may seem to be no great hardship; yet, if we consider how many necessary affairs might suddenly call them elsewhere, and what time and labour it cost to apply to the council upon every emergent, this state will not appear very desirable. I shall but instance one case. June 22d, Mr John Bell, minister at Ardrossan, being confined to his parish, his father living within a mile of him, falls sick, and he must apply to the council to visit his dying father. They allow him indeed, by their act of the above date; but with a proviso, that he go to no other house without his parish in coming and going. This may discover to us the hardship of this act. And to give all I meet with, as to this confinement, together, the council, October 3rd, are pleased to allow Messrs Hutchison, Wedderburn, Miller, and Mowat, liberty notwithstanding their confinement, to travel, as their affairs call them, till November 1st. And November 9th, Mr Robert Douglas and Mr Robert Hunter's liberty is continued to February 1st, next year. November 28th, they take off Mr Gemmil, and Mr Spaldin's confinement till February 1st. And in January and February next year, Mr Hutchison, Mr Douglas, and Mr George Johnston, have some liberty granted them. I only notice these hints, to show the strictness of the act, and the trouble ministers were put to.

1671. Again the indulged were put to no small trouble to get up their stipends. They had warrants many times to ask of the council, for getting payment from the collector. So I find, February 2d, Mr Thomas Black, indulged at Newtyle, gets a warrant from the council to the collector, for eight hundred merks, not paid for the year 1669. And, April 6th, upon their petition, Messrs Ramsay and Baird at Paisley, get the same warrant, to be paid out of the vacant stipends that year. In July, the council come to ease themselves of this trouble, and it is moved there, to pass a general act for the payment for the year 1670. The bishops struggled hard to prevent this. Leighton violently pressed, that their liberty might be taken from them, since they had broken their rules. The noblemen urged, that if the indulgence were taken away, conventicles would be yet more frequent, and the council troubled every day with complaints, and the country run into confusion: so this was waved. The bishop of St Andrews, and others in council, violently opposed the warrant for granting their stipends; so that with difficulty it was carried: and, July 6th, an order is given to the collector of the vacant stipends, "to pay the ministers allowed to preach, the stipend 1670, retaining in their own hand the proportions to be paid to poor scholars, and the clerks of synods and presbyteries."

Their carriage, as to the 29th of May, was a pretext to the prelates to argue against paying their stipends. None of them kept that day as required by the act of parliament. When the day for their week-day's sermons happened that time, they preached; and, it was alleged, some of them appointed their sermons that day of the week upon which the twenty-ninth day of May was to fall upon, to evite trouble: others had diets of examination that day; and others chose to baptize children, or marry some of their people that day, and explained some portion of scripture to their hearers. Great clamour was raised against them, for not keeping the day in terms of law; and they were represented as disaffected to the king's government, and not willing to commemorate his happy restoration; whereas several of them had been very active in it, while some of the present bishops had complied with the usurper, and every imposition which came about. Their scruple did not lie at the king's government, but against all anniversary days whatsomever. To please the bishops, a new command is given to them to keep that holy day in time to come; and the council resolve to be very strict in examining how it is obeyed.

Their continuing to lecture, notwithstanding the act of council discharging it last year, was another handle to the enemies of the indulged in the council, and much insisted upon. They continued, as hath been narrated; and the issue the council comes to, July 6th, concerning this, is: "Being informed, that the ministers allowed to preach, do not keep the council's act anent lecturing, the sheriffs are ordered to take trial thereof, and send in the names of such as contravene, to the council." Thus the matter is put off for some time.

Other ministers, besides the indulged, were brought to trouble this year. Mr John Menzies, of whom last year, being cited to appear before the commissioner in —— last to answer what should be laid to his charge, compeared, and was confined to his chamber in Edinburgh. When he had continued there a good time, and no further notice was like to be taken of him, he went home, and preached to his people. Upon the 14th of January, the council find he hath broken his confinement, and preached at his kirk of Carlaverock, and order him to be charged to compear before them that day fortnight under the pain of rebellion. I find no more about him in the council registers, and can give no account how his process ended.

The outed ministers who were every way peaceable, and kept no field conventicles, are complained upon to the council, for not keeping their parish churches, in terms of the last act of parliament; and an order is sent "to the sheriffs of Lanark and Renfrew, March 9th, to acquaint any of the outed ministers living in their bounds, that it is the council's pleasure, they either keep

the churches where they live, or remove with their families, to places where they will keep it; and if they do not obey, that they imprison them." This act put them and their families to no small trouble and charges.

Further complaints are made against the outed ministers, for their baptizing children. I find the council make diligent inquiry about this; and, when it could not be so easily proven, the council first put over the parents into the hands of the bishops, and then require the sheriffs to make inquiry into this matter. June 29th, "the council being informed of many disorderly baptisms, and of some who do not baptize their children at all, require the bishops to proceed against them by church-censures, and report their diligence to the council." What report they made, I find not; but, it would seem, their censures were not much regarded: and therefore, October 3d, another method is taken. "The council considering the many disorderly baptisms that are abounding, appoint the sheriffs, stewards, and lords of regalities, to call for the session books of each parish, and consider which of the children in every family have been orderly baptized, and which not, and uplift the fines." Upon this, a great many were brought to very much trouble, and sore oppressed in the exacting of their fines.

This year likewise, the advocate, who was a zealous agent for the bishops, pressed much the execution of the acts made against conventicles: severer could scarce be made than those of the last session of parliament; and the application of them was left to the council. I do find, about this time, others of the leading persons were also very violent: some were prosecuted for conventicles, but they were not many who fell into their hands. However, I shall set down what passed in council against conventicles this year, as far as I have noticed it. Upon the 2d of March, the council nominate a committee, archbishop of St Andrews, duke Hamilton, the earls of Argyle, Linlithgow, Tweeddale, Kincardine, Dundonald, president, advocate, treasurer-depute, (now my lord Haltoun, Lauderdale's brother, the lord Bellenden having demitted in February last,) and register, to consider what is further to be done for suppressing conventicles and disorderly field-meetings, and punish withdrawers from ordinances, and quickening those intrusted with the militia to their proper work. Upon the 7th of March, the council order (which I take to be the mind of the committee) "the commissioners of the justiciary, viz. the justice-general, justice-clerk, and five of the ordinary lords of the session, to take up dittay against the contraveners of the acts against conventicles, irregular baptisms, and separation from the church, and cite them before them." What they did I know not, but I find nothing relative to this in their registers this year. 1671.

The 7th of March, the council cite before them the cautioners of Messrs Alexander Hastie, Stobie, Adam, &c. for being at the conventicle at Beeth-hill last year, to produce those persons for whom they were bound sureties. And upon the 9th of March, Messrs Hastie, Stobie, Adams, &c. compear before the council, and are ordered to attend the first meeting, in May. But I find no more of them this year.

In order to prevent conventicles, and retrieve the credit of the conformists in the west, the council at the same time deal with patrons to plant vacancies there. And, March 9th, they write a letter to the archbishop of St Andrews, acquainting him, that they have recommended it to the duke of Hamilton, and other considerable patrons in the west, to use all diligence to get their churches planted with the most able and godly ministers; and desire the primate, that if they give calls unto, and present any ministers in his diocese, that they be speedily loosed, and sent west at their desire. Perhaps this is another overture coming from the fore-mentioned committee. Whether this proposal paves the way for their act July 6th, or if they found the former method did not answer their end, I know not: but that day, "the lords of privy council finding patrons very slack in planting parishes, to their great hurt, they recommend it to the bishops to plant all the vacancies in their dioceses, *quamprimum, jure devoluto.*" This was indeed the more effectual way; yet I do not find the choice

1671. the prelates made was satisfying to the country; for conventicles continued, and the churches of the curates were very thin. In short, the outed ministers preached as they had opportunity, and, notwithstanding all the severe acts made last year, neither ministers nor people were much discouraged.

I come now forward to consider the circumstances of some gentlemen of the presbyterian persuasion this year. It is rather the end of a long tract of sufferings, than a branch of them, when I notice, that excellent gentleman colonel Gilbert Ker, gets liberty to come back to his native land at this time. February 16th, "the council, in consideration of the king's letter read this day, allow colonel Gilbert Ker to reside in Scotland, he giving bond to behave himself peaceably and loyally, under penalty of five hundred pounds sterling." This good man was, at the restoration, so threatened by the managers, that he took upon him a voluntary banishment, and was much under hiding till this time.

George M'Cartney of Blacket in Kirkcudbright fell under very sharp sufferings this year; and I shall give them all together in this place, and they will lead me in to touch upon some attempts upon other gentlemen with whom he is classed.—Upon the 2d of March, Sir Charles Erskine, lord Lyon, gets a commission from the lords of the treasury, Rothes, Lauderdale, Tweeddale, Kincardine, Dundonald, Haltoun, and Sir Robert Murray, to intromit with the estates, goods, and gear, of such who were forfeited for the rebellion 1666, within the shires of Dumfries, Wigton, and the stewartry of Kirkcudbright, for the year and crop 1670, and the following; and to call Maxwell of Milntoun, and other intromitters before that time, to an account, and report, and make his accounts to the lords of his majesty's treasury. I need not insert the commission at full length, a copy of which is just now before me; but the gentlemen specified are, "M'Clellan of Barscob, M'Clellan of Barmageichan, Cannon younger of Mandrogate, John Neilson of Corsack, John Gordon of Knockbreck, Robert Gordon his brother, major John M'Culloch of Bornholm, Mr Alexander Robertson, George M'Cartney of Blacket, Gordon in Porbreck, Cannon of Barnshalloch, Welsh of Cornlee, Gordon of Holm, —— of Skair." We have met with all of them formerly, save the gentleman of whom I am now to give some account, Mr M'Cartney of Blacket. The tenants and relations of the rest were grievously persecuted; and all the rest had been forfeited, as we heard before, but Blacket was not, and his treatment was most illegal: how his name came to be in the Lyon's commission I cannot tell. He was a pious worthy man, and, by some base measures or other, his name was got in, and this cost him a vast deal of trouble and charges. I shall here take occasion to set down his sufferings all together, from an attested account in my hand, and some of his own papers.

His father was fined in Middleton's parliament, in fifty pounds sterling, besides riding-money, a hundred and eighty pounds Scots, which he was forced to pay; and was imprisoned in Kirkcudbright, and died in prison. After Pentland, though the son, whose sufferings I am now accounting for, was neither forfeited, nor declared rebel, Maxwell of Milntoun elder came and took away his horses, to the value of a hundred and sixty pounds, merely as a suspected favourer of Pentland people, and a nonconformist to prelacy. At the same time his house was spoiled, his hay and corn, and his lady's wearing clothes taken away, at a modest computation, four hundred and ninety four pounds, thirteen shillings and four pennies. Sir William Bannantyne came next, and exacted a bond of five hundred merks. In the year 1668, a party of soldiers came and plundered his house, and took away a horse; the loss by both was at least a hundred pounds. Some time after major Cockburn came from the garrison of Dumfries with eighty horse, and stayed two days at Blacket's house: they turned down the corn-stacks, and put the horse into the stack yards, and destroyed the corn and fodder, and killed a good number of beasts; the loss at least was two hundred and twenty-six pounds, thirteen shillings and four pennies Scots.

This year the lord Lyon came upon the

foresaid commission, and would have had Blacket compounding with him for his pretended gift of his estate; which he refused, and so was carried into Edinburgh tolbooth prisoner. From some letters of Blacket's in the prison, and his information and petition to the council before me, I could give a large account of the injustice of his imprisonment, and the process against him; but it would run (to) too great a length. In short, after several petitions to the council, at length his case was considered; and, upon his information, his circumstances appeared so favourable, that it was remitted to the advocate; and upon Blacket's producing of the books of exchequer and justiciary, with the two acts of indemnity, it was evident he was neither forfeited, nor an excepted person. This was reported, and his liberation granted, upon his giving bond to answer when called for. Yet he was still detained in prison, and upon inquiry, he found that he had been liberate, but that council-day matters were so throng, the clerk forgot to minute it, and since that time he durst not speak of him. However, the clerk assured him, that the advocate who appeared friendly to him, desired him not to petition any more, and assured him he would take the first opportunity to liberate him. What truth was in this message I know not, but he continued in prison six years, and that without any fault, and much of it after the council had liberate him. His charges for bails to the council, to the Lyon, to advocates, agents, maintenance, and jailor-fees, at a modest estimate, were not under twenty-two hundred pounds.

When he was in prison, the Lyon sent and displenished all his ground, and took horses, black cattle, sheep, &c. and displenished his house and whole lands, and laid them waste five years; so that not one might stay one night upon his ground. The rent of his lands was six hundred merks yearly. This, with his other losses, was at least twenty-four hundred pounds. After he was let out of prison, David Graham, brother to Claverhouse, with a party of soldiers, came and stayed at his house, took his horses and corns, kept garrison some weeks in the house, which amounted to three hundred and seventy-three pounds, six shillings and eight pennies. And, for non-conformity and noncompearance, and such crimes, my lord Livingstone got a gift of his estate. His factor carried away a hundred and sixty bolls of corn, with fodder, hay, and horses, which together with my lord's intromission with the yearly rent of Blacket for five or six years before the revolution, amounts to three thousand five hundred and sixty-six pounds, thirteen shillings and four pennies. The total sum of this gentleman's losses, during this time of heavy persecution, besides his being impaired in his health, and great hardships, is nine thousand eight hundred and twenty-seven pounds, sixteen shillings. 1671.

This year likewise, Mr John Cuningham of Bedlane continues prisoner in Dumbarton Castle. The council, February 16th, allow him to ride out some miles every day for his health, he giving bond of ten thousand merks, to return to the castle at night. The laird of Kersland, whom we had likewise before, was joint prisoner with Bedlane in the same place. He petitions the council, September 5th, that he may be allowed to go to some place, where his children and family may live, and be educated at schools and the college; and is sent to the tolbooth of Aberdeen; and, in December, I find him brought from thence to Stirling Castle.

Under all this severity to presbyterians, our Scots prelates never once pointed their zeal against papists, who for several years, especially since the last act of parliament, which was a kind of toleration to them, were increasing very fast. In the north the mass-houses were openly set up, and as openly frequented; and shoals of priests came over with large cargoes of relics, pictures, beads, and such like trinkets. Considerable numbers of father Turbevill's Manual of Controversies were brought over, and distributed gratis, which did a great deal of hurt. The council indeed, in August, give an order to apprehend four popish priests, they were informed were come over, and trafficking in Murray. This flowed from the application of some well affected people there; but great numbers of them were nearer themselves, and I can scarce say they were lurk-

ing in Edinburgh. And, in January 1671. following, the council appoint the earl of Argyle, and the register, to seize some popish books and trinkets, that were in a ship lately come into Leith. Indeed the conformist ministers in the north, where popery was most open and barefaced, were not altogether wanting upon their part: not only did a good many of them preach against popish abominations, and the learned Mr John Menzies at Aberdeen print against them; but this year and the following they made several representations to the bishops, and applications to the council, complaining heavily of the growth of popery: yet their ghostly fathers gave them but sorry assistance at the council-board. Had it been a complaint against a presbyterian minister, it is probable they would not have failed them: but representations against papists were very much overlooked; and we must cease to wonder at it, when the primate had the impudence to say one day in council, "that his majesty's government was by far in greater hazard from presbyterians than papists; and that it was his opinion, the council ought more narrowly to look to presbyterian meetings, in which they were very slack, although the great danger lay there."

If the archbishop was let into the intrigues at this time carrying on, and the secret springs now at work, perhaps he spoke what he thought was matter of fact: if he knew the secret of the duchess of Orleans her coming over, May 16th, last year, and her leaving one of her maids of honour, afterwards duchess of Portsmouth, with her brother, who did very effectually manage the interests of popery at court: if he was acquainted with what hath been since published in French, in the "Histoire du Palace Royal," and likewise in English, that, at the "Dover interview," articles were agreed upon, "for settling the crown not very favourably for the reformed religion; for the destruction of the hated republic of the United Provinces; the advancing of absolute power in both monarchies; the cajoling the church of England for a time; the persecution of dissenters, and an introduction of popery, in all prudent, cautious, and yet quick methods;" I say, if the bishop was privy to this, he spoke not altogether without book. It may be, indeed, he was not let into these arcana of popery, and he spoke merely in a fret, pique, and spite, at presbyterians, as apostates generally do. Yet if the character left us of the man, and his principles hold, he had very little to hinder him from giving in to such measures; and whether of design or not, I do not determine. It is certain, his practice for many years paved the way for the execution of this dreadful scheme. And because several of my readers may be strangers to what was now upon the anvil for the introduction of popery into Britain, as well as tyranny; it may not be altogether amiss to give an abstract of what hath been since discovered of the negotiations between France and England. Though it seem a digression from the history of our sufferings, yet when I consider the severities against presbyterians, as coming from popish principles, and papists behind the curtain, and pushed on by the prelates, who appeared none of the greatest enemies to popery, and by this certainly paved the way for its re-introduction; it cannot be altogether out of the road. And I shall mostly take my account from the Secret History of Europe, the author of which brings vouchers for what he advances, and so, though nameless, may be depended upon.

The account of the intrigues about this time in England, first by Monsieur Colbert, and after by the duchess of Orleans, were drawn up by the abbot *de Primi*, who was employed by Colbert, and well paid to write his memoirs. There were only two books of ten published, both in French and Italian, 1682. At Paris, the English envoy, the Lord Preston, gave in a memorial against the abbot's book; the book was stopped, the copies already published were suppressed, and the author was sent to the Bastile. In what is published by the abbot *Primi*, we may smell out pretty much of the secret; he tells us, "king Charles signed a private treaty with France, and to give him further assurance in that matter, Henrietta of England, duchess of Orleans, sister to the king of England, and sister-in-law to the king of France, crossed over to England, 1670, and

in the name of the most Christian king, made a proposal to her royal brother, of ensuring to him an absolute authority over his parliament, and re-establishing the catholic religion in the three kingdoms of Scotland, England, and Ireland: but with the same breath she gave him to know, that in order to compass this end, there was a necessity above all things, of lowering the pride and power of the Dutch, and reducing that state to the narrow compass of the province of Holland, of which the prince of Orange should be sovereign, or at least perpetual stadtholder; the execution of which project would be easily accomplished by the two powerful princes strictly allied. By this scheme the king of England should have Zealand for a place of retreat in case of need, and the king of France the rest of the Netherlands, if he shall be able to conquer them." Here the abbot who was let into Monsieur Colbert's papers, opens up the project now on foot, very plainly. The same author tells us, that the French king furnished king Charles with money to equip a fleet: and the author of the "Histoire de Corn. et Joan. de Wit," says expressly, "that king Charles would not sign the private treaties with France, till he had actually received the money promised him, viz. six millions in hand, and three hundred thousand crowns a month during the war." This explains to us an article of one of the printed letters of Monsieur Colbert, to Monsieur Turenne, where he tells him, "I have at last made them (in England) sensible of the whole extent of my master's liberality."

Many other proofs might be adduced for the reality of this secret Dover league, for the destruction of the protestant religion and Holland. There was an opera prepared at Paris for the dutchess of Orleans, at her return from England, which points very clearly to this. Monsieur St Ange, the author, addresses her thus: "It is from your heavenly-like wisdom to manage your royal brother's tender soul, that we expect the happiest of consequents. It is from the torch of your love to the catholic apostolic church, we hope to see his Britannic majesty's zeal to the ancient religion of his ancestors, take flame by the sympathy of a nearest relation. We long with somewhat of impatience for the happy result of your consultations: and we doubt not to see the monster heresy, grovelling at our invincible monarch and your brother's feet, expiring in chains." (And) Monsieur du Pellion, in his panegyric upon the French king, printed 1673, hath this passage: "Your zeal to the catholic religion hath appeared in a thousand instances to the world in its meridian brightness. What foreign alliances have you not made for the support of the true catholic religion, even where heresy has been triumphant?" 1671.

The effects of this Dover league promised so much to the interests of popery, that the expectations of papists were every where raised from it. The preface to the Life of Cardinal Barbarini, printed at Venice, 1677, hath these expressions: "We have no reason to doubt but Almighty God is on his way to rebuild his church, in those very places where that monster heresy is rampant; what may we not hope for from the zeal of the present catholic princes of Christendom? particularly from his most Christian majesty, whose great soul is best capable to venture upon that hydra. The strict friendship between him and his Britannic majesty, with that king's mild inclinations, and conduct towards his catholic subjects, joined to his brother the duke of York, his fervent zeal to religion, gives us the pleasant prospect of better days, even in that once blessed island."—These confessions of parties, with the shrewd presumptions of poisoning the dutchess of Orleans, in a very little after she returned to Dover, lest she should tell tales, and from other reasons I will not name, give abundant ground to think a deep plot was laid for overturning the reformation.* And if our managers in Scotland were let into it, we need not wonder at their lenity to

* This plot, and the mean dependance of Charles as pensioner of the French king, is now so universally known to every tyro in history, that we do not think it necessary to add any thing to the text. The pension, however, was not very hurtful to the reformation, being generally swallowed up by the king's mistresses as soon as it arrived.—*Ed.*

1671. papists and their severity to presbyterians; and our prelates' violent pressing the execution of these iniquitous laws, paved the way for ripening this dreadful project.

I have now gone through what offers to me this year of any great importance. Two or three more particulars I shall add in so many words. Upon January 12th, the council fall foul upon the book, which is now in every body's hand, published in Holland, entitled, "Jus Populi Vindicatum." Their order runs, "Information being given of an incorrect New Testament, printed by Andrew Anderson, the council remit it to a committee; and they are to inquire for the sellers and spreaders of a seditious pamphlet, entitled, "Jus Populi Vindicatum." And, I find, February 16th, a proclamation published, discharging that book, in the form we have seen in like cases, and ordering all who have any copies in their custody, after the time prefixed, to be fined in two thousand merks. I find likewise the same zeal leads them, February 2d, to appoint a committee for inquiring into the authors, sellers, and spreaders of a pamphlet, entitled, "Jus Regni;" but I find no more about it afterwards.

A pretty singular case falls in before the council, June 14th. "Patrick Wilson, writer in Edinburgh, is found to have joined two persons in marriage. The council very justly find he hath incurred the pains in the act made against disorderly marriages, and that he hath usurped the ministerial function, and banish him to the plantations, and order him to the pillory in the mean time."

This year, I find, the presbyterian ministers in Ireland are much troubled with the divisive and irregular practices of Mr David Houston a preacher in Ireland, who came over here, and joined the society people, a little before the revolution, else I should not have noticed him. The presbytery of Rout declare his license void, and discharge him to preach the gospel; and, in some few months, he comes in and owns his irregularities, and promises subjection, and acknowledges the justice of the sentence. Yet afterwards the divisions continue.

In short, in the beginning of this year, Sir James Dalrymple of Stair is admitted a privy counsellor; and, towards the end of it, the laird of Lee is made justice clerk; and, in October, Lauderdale is made captain of the rock of the Bass, which is bought by the king, and turned into a prison. Eighteen soldiers, besides officers, are placed in it; and we shall afterwards meet with many good people crammed up there. It was the earl who prevailed with the king his master, to buy that rock from Sir Andrew Ramsay, at the rate of four thousand pounds sterling, and then got the rents and profits, more than a hundred pounds a year, bestowed upon himself. Now indeed Lauderdale and his friends possessed the most part of the best posts in Scotland. Lauderdale himself was at the same time president of the council, sole secretary of state, one of the commissioners of the treasury, captain of the Castle of Edinburgh, captain of the Bass, agent at court for the royal burghs, one of the four extraordinary lords of the session, and the king's high commissioner. His brother, the lord Haltoun, was treasurer-depute, general of the mint, and one of the lords of session. Athole was lord privy seal, justice-general, captain of the king's guard, and one of the four extraordinary lords of the session. And the earl of Kincardine, another of his friends, was one of the commissioners of the treasury, vice admiral of Scotland, and one of the extraordinary lords of session.

CHAP. VII.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS IN THE YEAR 1672.

When I am essaying some history 1672.
of the presbyterians, during every year of the period I have undertaken, it necessarily falls into such a method, as the materials I have lead me to. When parliaments meet, and there is any considerable change, in the disposition of the court, unto suffering presbyterians, I am obliged to notice these at some greater length; and when there is little alteration in the laws and public management, I must confine myself to more particular matters.

Last year we had no parliament. The

affair of the projected union was to be treated upon in England, by commissioners from both parliaments: but the Scots commissioners, for the reasons above pointed at, were but indifferently received, and the meeting soon came to an end. There was no need of a parliament in Scotland, to ratify what they did; for it was just nothing, and so the sitting of it was delayed till June this year.

The beginning of this year, a second Dutch war broke out. Upon the last of February, the king sends his orders to the council, to levy a thousand men; and the reason given is, the armament of neighbouring nations. Upon the 2d of April, war is declared against the Dutch, and a proclamation issued out to that effect, at Edinburgh. The triple league is now broke and used with the same contempt as our covenant was. The effects of the Dover conference began to break out; and Holland, with the whole protestant interest, would have been quickly overrun, had not the Lord remarkably interposed by that glorious instrument of his providence, the prince of Orange, a youth not much above twenty years, born, as it were, out of time, and bestowed upon Europe, to quell the exorbitant power of France, and the progress of popery, and to be the defender of the reformed faith, more than once. Through the whole of this war, he was wonderfully honoured of God; and his conduct and bravery seemed to be a continued, and almost miraculous appearance, in behalf of the reformation: but the accounts of this I leave to the historians of this period.

At home, violence against the presbyterians was continued, conventicles severely punished, ministers, gentlemen, and others harassed. The earl of Lauderdale is created a duke, and made a knight of the garter. About this time, he was married to the lady Dysart, Sir Lionel Talmash his widow; and some difference fell in betwixt him and the marquis of Tweeddale, and some others, with whom he had been in close friendship before; and his brother lord Haltoun came in to be his great doer in council; and this family change had no small effects in the way of managing public affairs for some years; and things took a new turn in Scotland. Lauderdale came down in April, to hold the parliament in June; and in September, the second indulgence was given to presbyterians. These things will give me matter for the following sections. 1672.

SECT. I.

Of the persecution upon the score of conventicles, the hardships put upon ministers, gentlemen, and others, with some other particulars during this year, 1672.

UNDER this section, I shall give what accounts offer as to the treatment of presbyterians this year, and consider the laws made about them, and the indulgence granted to them, in the two following sections. I begin with the severities used upon the score of conventicles. The council, February 22d, upon information of many conventicles kept in the city of Glasgow, and barony thereof, make an act, ordaining the magistrates to suppress them; and appoint these to oblige and require all the outed ministers, either to attend the church, or remove out of the town. The execution of this put a good many ministers and their families to no small difficulties. In July, the persecution turns a little hotter, upon the account of conventicles, and decreets are passed in council against them. Upon the 11th, there is a decreet against conventicles in Fife, &c. an abstract of which I shall insert here:

"Whereas, notwithstanding of the acts of parliament against conventicles, the laird of Lees, Alexander Hamilton of Kinkel, James Hamilton his brother, Rigg of Aithernie, Lundy of Belderstard, John Henderson in the Inch of Balcaskie, Mr Robert Anderson, Mr Robert Rule, Mr Robert Gillespie, Mr Robert Ross, William Southrum in Lundy, Mr John Drummond of Meggins younger, Mr James Mercer tutor of Meggins, Alexander Rankin of Pottie, —— Arnot chamberlain to the laird of Balhousie, Alexander Chrystie merchant in Perth, James Brown merchant there, John Drysdale there, Thomas Keltie merchant there, Alexander Whyte merchant there,

1672. William Dove there, John Henderson in the parish of Abercrombie, David Coventry heritor in Arlary, Robert Stirk in the Mills of Forth, Thomas Scott tenant in Pittiudreich, David Schaw tenant in Gospitry, James Pryde, and JohnReid in Stramiglo, George Hay of Balhousie, Mr Alexander Moncrief, brother german to Mr John Moncrief of Calfurgie, indweller in Perth, Francis Galloway in Todshaugh, Mr John Dishingtoun, Mr John Chrystiosen, Patrick Glover in Perth, Mr —— Simpson, Mr Gilbert Hall, Mr George Johnston, Mr Robert Fleming, and James Gray in Perth, have, upon one or other of the months of November or December, 1670, or some or other of the months of the year 1671 or the year 1672, several times preached, prayed, or been present at public conventicles in the fields, or at private conventicles, whereby they have contravened the acts of parliament, and incurred the pains of the said acts: and being called, and Patrick Hay of Lees, the laird of Meggins elder, compearing for his spouse, Meggins younger, Macer, Rankin, Chrystie, Keltie, George Hay of Balhousie, with several others above named, compear; and the lords of council considering their confessions, ordain the laird of Meggins younger, Alexander Chrystie, Thos. Keltie, to be carried prisoners to the tolbooth of Edinburgh; the said Peter Hay to be confined to his chamber at Edinburgh; Mr James Mercer to be confined to the town of Edinburgh; and, in regard Mr John Drummond and Alexander Rankin, have denied the libel, remit it to probation; and ordain letters of denunciation to be directed against the remaining defenders absent, and they to be put to the horn.

"Upon July 14th, the council find it proven, that Meggins younger, Jean Campbell spouse to Meggins elder, were at a field conventicle kept at Glendoik, and Alexander Chrystie and Thomas Keltie were present at field conventicles; and fine Meggins elder in five hundred pounds Sterling, for the transgression of the acts of parliament by his lady; and ordain Meggins younger to continue in prison, till his father pay his fine. They fine Keltie and Chrystie in five hundred merks each: and in regard Peter Hay of Lees, by his own confession, was present at the said conventicle in Glendoik, he is fined in a thousand merks; and George Hay of Balhousie, by his own confession being guilty, is fined in a thousand pounds Sterling, to be paid in eight days. And all of them are to remain in prison till they pay the said fines to Sir William Sharp his majesty's cash-keeper." As to such who did not compear, the council pass an act for apprehending of them, and charge the sheriffs and their deputes in Perth, Fife, and Linlithgow, to search for, seize, and send them in to the council. This is the account given of the matter in the registers. By other accounts from persons who were at this time about the family of Balhousie, I find that the old laird was not himself at that conventicle, but at the time in Edinburgh, when his son Francis heard (and only once) Mr John Welsh, when he preached at Mr James Duncan's house, at the end of the avenue leading to the house, and the old gentleman was fined for what his son had done. It may not be unfit to add some other circumstances from other more particular accounts.

The case of the laird of Balhousie in Perthshire, afterward viscount of Duplin,* and earl of Kinnoul, a youth newly passed

* A correspondent of our historian's, who takes upon him the part of a corrector, and whose emendations are printed among the author's additions, vol. ii., supposes the person here stated to have been fined was, George Hay of Balhousie, who, he says, was "elder brother to the earl of Kinnoul." The gentleman, however, whoever he was, was in a mistake, George Hay of Balhousie, and George Hay, who succeeded in 1677, to the earlship of Kinnoul, being different persons. George Hay of Balhousie, who is repeatedly mentioned above, died in 1672, and was succeeded in the lordship of Balhousie by his son Francis Hay, who died in 1675, unmarried, and was succeeded by his brother Thomas Hay, who in 1693 was created a peer by the title of viscount of Duplin, in the month of December 1697, and succeeded William earl of Kinnoul in 1709, in consequence of which the titles of viscount of Duplin and earl of Kinnoul, which had been for some time separated, were again united. This must have been the person Wodrow had in his eye, though he was in a mistake with regard to his title, he being at the time alluded to most probably only the laird of Balhousie's son, or, if the circumstance fell out late in the year 1672, his brother.—Vide Douglas' Scots Peerage, by Wood, vol. ii. pp. 47, 48.—*Ed.*

the schools, but of a good estate, made a great deal of noise. The gentleman confessed he had once heard a minister, whom he entertained as a chaplain in his family, preach. His fine was some odd way or other accumulated to twenty-seven thousand merks, and then was brought down to a thousand pounds sterling, five hundred of which he behoved to pay presently, which he did, and gave bond for the other half. I wish the defenders of that mild government may consider this, and it is but one instance of many at this time. The laird of Meggins was not chargeable with any personal breach of the present laws; but for his lady's alleged guilt, is fined in five hundred pounds sterling. The author of the Grievances under the Duke of Lauderdale's Ministry, acquaints us with another circumstance as to these two gentlemen, which I set down upon his authority. Upon the information given to the duke of Lauderdale, of these gentlemen's irregularities, the duke thought fit to make over their fines to his favourite the earl of Athole. The gentlemen being advertised, that to make the gift the larger, nothing less than the utmost rigour was to be expected, found it best to quit their own legal defences, and fall in with a friendly transaction, casting themselves upon the earl's discretion. They agreed with him, the first for six hundred pounds sterling, and the other for four hundred: but the duke not content with this, when they appear before the council, most arbitrarily and exorbitantly procures the sums to be augmented in the sentence; the first to a thousand pounds sterling, and the other to five hundred. Whether this was more generously to his friend, who had got all he had demanded, or just towards the gentlemen, who relying upon the agreement had prepared no defences, the world must judge. After the gentlemen had paid their fines, or given bond, the duke in his flouting insulting way, used frequently to banter them; "Gentlemen, now ye know the rate of a conventicle, and shame falls them first fails." Thus he used to rage at an odd rate, in so much that gentlemen getting notice of his way, resolved to risk all, rather than appear to be bullied by him, and choosed to withdraw, and were put to the horn; their escheat fell to the king, and the managers made a good hand of it. When the estates of any who withdrew, were under encumbrances and burden, they were perfectly ruined. I might instance in that pious and worthy gentleman the laird of Kinkel in Fife, and others, were there room for it. 1672.

Another process for conventicles is before the council, July 24th, and continued till the 27th, when Anna, countess of Wigton, an excellent widow lady of that family, is obliged personally to compear before the council; and upon her confession, that she was present at a conventicle in the house of Boghall, she is fined in four thousand merks. And Mr James Duncan at Duplin, for being at the conventicle kept at the Bridge of Earn, is fined in two thousand merks. Both these fines, as well as those of Balhousie and Meggins, were perfectly arbitrary and beyond law. For these two last conventicles a great many others are cited and examined, and a decreet given out against them. That the reader may have the form of those decreets now so common, and see their severity, and to save pains afterwards in narrating forms, I have annexed a copy of the decreet against Mr James Duncan, and the countess of Wigton, at the foot of the page.*

* *Decreet, king's advocate, against Mr Duncan and the countess of Wigton, July* 27, 1672.

Apud Holyrood-house, vigesimo septimo die Julii, 1672.

Anent our soverein lord's letters, raised at the instance of Sir John Nisbet of Dirletoun, knight, his majesty's advocate, for his highness's interest, in the matter underwritten, making mention, that where by the fifth act of the second session of his majesty's second parliament, it is statute and ordained, "that no outed ministers, who are not licensed by the lords of privy council, and no other persons not authorized or tolerate by the bishop of the diocese, presume to preach, expound scripture, or pray in any meeting, except in their own houses, and to these of their own family to which they belong, where any not licensed, authorized nor tolerate, as said is, shall preach, expound scripture, or pray, declaring thereby all such who shall do in the contrary, to be guilty of keeping conventicles: and that he or they who shall so preach, expound scripture, or pray within any house, shall be seized upon and imprisoned till they find caution, under the pain of five thousand merks not to do the like thereafter, or else to enact themselves to remove

1672. To end the account of the persecution of this year upon the score of conventicles, September 16th, the council take a shorter way anent them, and subcommit their power to four of their number, and so ease themselves, for a time, of the trouble and indecency of having ladies and country people in crowds before them. "The

out of the kingdom, and never return without his majesty's license; and that every person who shall be found to be present at such meetings, shall be fined, *toties quoties*, according to their respective qualities, in the respective sums following, and imprisoned till they pay their fines, and further during the council's pleasure, viz. each man or woman having land in heritage, liferent, or proper wadset, in a fourth part of his or her yearly valued rent; each tenant labouring land, in twenty-five pounds Scots; each cottar in twelve pounds Scots, and each servant man in a fourth part of his yearly fee; and where merchants or tradesmen do not belong to, or reside within burghs royal, that each merchant or chief tradesman be fined as a tenant, and each inferior tradesman as a cottar; and if the master or mistress of any family where any such meeting shall be kept, shall be present within the house for the time, they are to be fined in the double of what is paid by them for being present at a house-conventicle: and further, it is statute and declared, that whosoever, without license or authority, shall preach, expound scripture, or pray in any meetings, in the field, or in any house, where there be more persons than the house contains, so as some of them be without doors (which is declared to be a field-conventicle), or who shall convocate any number of people to these meetings, shall be punished with death, and confiscation of their goods. As to all heritors and others aforesaid, who shall be present at any of these field-conventicles, it is to be declared, that they are to be fined, *toties quoties*, in the double of the respective fines appointed for house-conventicles, but prejudice to any other punishment due to them by law, as seditious persons, and disturbers of the peace and quiet of the kingdom, as the said act of parliament at more length proports." Notwithstanding whereof, it is of verity, that the persons underwritten, viz. Mr James Duncan indweller at Duplin, Thomas Ogilvie late merchant in Perth, now in the Carse of Gowrie, John Balfour portioner in Kinloch, John Howison gunsmith in Perth, James Hay in the Milltown of Abernety, Patrick Crie glover there, Mr John Moneman sometime in Abernety, now in Dundee, Robert Henderson in the Mains of Balcaskie, John Moncrief in Wester Grangemuir, Mr John Moncrief in St Andrews, Andrew Kinnier there, James Howison there, Anthony Dow there, John Strunks there, and John Davidson there, were present at divers field-conventicles, at least at several private conventicles, and particularly at Glending and the Bridge of Ern, upon one or other of the days of the months of May, June, or July last bypast, where they heard divers outed ministers take upon them to preach and pray, and exercise the other functions of the ministry; as also Anna countess of Wigton, James Crichton in Biggar, John Kello there, James Brown there, James Brown wright there, John Dalziel there, John Henderson there, John and Lawrence Taits there, John Tod mason there, Alexander Gardener tailor there, John Nisbet there, James Paterson in Carwood, James Crichton in Westerraw, William Cleghorn in Edmonston, Alexander Story there, William Thomson in Boghall, Malcolm Brown in Edmonston, James Cuthbertson there, Peter Gillies walker in Skirlin, John Robertson procurator in Lanark, John Watson notar in Carnwath, Thomas Crichton in Worsilyd, James Glasgow in Whitecastle, Alexander Smith in Biggar, John Tweedie in Edmonston, Robert Lohean in Skirlin, William Forest there, John Newbigging in Carstairs, John Hutchison in Harelaw, John Lockie in Ranstruther, Malcolm Gibson in Wester Pittenweem, Ronald Spence in Hankerton, James Thomson in Muirhouse of Rankton, and James Adam in Nether-warn-hill, were present at divers field-conventicles, at least at several private conventicles, and particularly they were present at two several conventicles, held and kept at the house of Boghall, in the month of June last, where they heard divers outed ministers take upon them to preach, pray, and exercise other parts of the ministerial function, and thereby have contravened the tenor of the foresaid act of parliament, and therefore ought to be proceeded against conform to the tenor thereof: and anent the charge given to the forenamed persons, to have compeared personally, upon the 25th of this instant, to have answered to the premises, and to have heard and seen such order taken thereanent as appertained, under the pain of rebellion, &c. and as the said letters, executions, and indorsations thereof at length proport; which being called upon the said 25th of this instant, and the pursuer compeared personally, and the said haill defenders compearing also personally, except the said Thomas Ogilvie, John Balfour, John Howison, James Hay, Patrick Crie, Mr John Moneman, Robert Henderson, John Moncrief, Mr John Moncrief, Andrew Kinnier, James Howison, Anthony Dow, John Strunks, John Davidson, Alexander Gardenor, Alexander Smith, and Ronald Spence, the lord commissioner his grace, and lords of his majesty's privy council, having called and examined the said Mr James Duncan and John Robertson procurator in Lanark; and the said Mr James Duncan having confessed, that he was at the said conventicle kept at the Bridge of Ern, and the said John Robertson having confessed, that he was at the said conventicle kept at Boghall, and they being required to give their oath anent the persons who were present, and, what further should have been inquired at them anent the said matter, they refused to give their oath; whereupon the said lords did ordain them to be carried to prison until they should proceed till further sentence, and did recommend to the earls of Murray, Linlithgow, and Dumfries, to examine the rest of the persons compearing, with power to them, to imprison such of them as should refuse to give their oath, and to report against this meeting; which being again this day called, the said lords having heard and considered the said libel, with the defenders' own confession, and the depositions of several witnesses, led and adduced for proving of the said

commissioner and council do grant warrant to the lord chancellor, archbishop of St Andrews, duke of Hamilton, earls of Argyle, Athole, Tweeddale, Kincardine, and Dundonald, the president, register, advocate, treasurer-depute, justice-clerk, or any four of them, to meet with the committee of public affairs, and give such orders as shall be necessary, for putting the late acts of council made anent outed ministers in execution, and for preventing and suppressing conventicles, and other disturbances of the public peace of the church; with power to call persons before them, committing of them to prison, and doing all things necessary for these ends. In difficult cases they are to consult with the council." I find no registers kept by them, nor reports made to council, and so can give no account of their procedure: no question it was severe enough. This I take to have been the beginning of what we shall frequently meet with.

Besides the ill treatment of ministers included in these hints given concerning conventicles, this year affords several particular instances of hardships put upon other presbyterian ministers.—The reverend and learned Mr Alexander Carmichael, late minister at Pittenain, is before the council, February 22d. This excellent person is well known to the world, by his accurate Treatise upon Mortification, published at London a little after his death, in the year 1677. He with his brother Mr John Carmichael, after they had joined for some time, out of an earnest desire for the gaining of souls to Christ, in the course of conformity with the prelates, came to discover so much evil in their ways, as to relinquish them, quit their livings, and cheerfully join themselves with the suffering presbyterian ministers and people. I am sorry I cannot give any account of the sufferings of Mr John Carmichael; but Mr Alexander was taken at Kirkaldy, and brought into Edinburgh tolbooth, and, the above day, appears before the council, and is charged with keeping conventicles; and acknowledging the charge, they oblige him to enact himself to depart the kingdom, and never to return without license. And, February 26th, he is ordered by the council to be transported in a ship to London. There he was singularly useful, and got to the end of his labours in much peace and joy, about the (year) 1676 or 1677. 1672.

In March, the outed ministers who were lurking at Edinburgh, were put to new hardships, many of them obliged to leave the town, and flee, they knew not well where. Several of them, through age and long trouble, were now drooping off. I find, by an original letter of Mr George Hutchison's, that Mr Walter Greig and Mr David Ferret about this time got to their rest. And he adds, that toward the end of Feb-

libel, with the report of the said committee, who did make report that they had imprisoned the persons following, who had refused to give their oath, viz. James Crichton in Biggar, John Dalziel there, James Paterson in Carwood, William Cleghorn in Edmonston, Malcolm Brown there, Peter Gillies walker, Thomas Crichton in Worsilyd, James Glasgow in Whitecastle, James Lindsay in Nether-warn-hill, James Thomson in Muirhouse, James Forest in Edmonston, John Newbigging in Carstairs, John Hutchison of Harelaw, and Malcolm Gibson in Wester Pittenweem, have fined, and fine the said Mr James Duncan in the sum of two thousand merks, for being present at the said field-conventicle kept at the Bridge of Ern, whereat he acknowledged he was present, and in regard he refused to give his oath, and ordain him to make payment thereof to Sir William Sharp his majesty's cash-keeper, for his majesty's use; as also fine the said Anna, countess of Wigton, in the sum of four thousand merks, for being present at two field-conventicles, kept at the house of Boghall, conform to her own confession, and ordain her to make payment thereof to Sir William Sharp his majesty's cash-keeper, who is hereby ordered and warranted to deliver the said sum to William earl of Wigton, so soon as the same shall be paid unto him, and of all other fines which shall be imposed upon any of these persons, who were present at the said conventicles kept at Boghall; and recommend to the former committee to meet and call before them the rest of the said defenders compearing, and to examine them further anent the said conventicles, and inform themselves of their several conditions and estates, with power to them to commit to prison such of them as they shall think fit, and to discuss such of them as shall enact themselves not to go to conventicles thereafter; with power also to examine any other persons who are prisoners for conventicles who are not yet examined, and to dismiss them if they see cause, and grant certification against these haill persons not compearing; ordain letters to be direct to denounce them to the horn, and ordain the rest of the persons who are imprisoned for refusing to depone, to continue in prison until the council take further course with them.

1672. ruary, Mr Robert Douglas was turned so weak, that he has laid by from preaching; and I suppose he got into the joy of his Lord this year or the next.

Upon the 18th of July, the council appoint Mr John Rae and Mr Hugh Archibald, to be carried from Stirling Castle to Dumbarton. Mr Archibald petitions the council, August 29th, at a favourable juncture, a few days before the indulgence, showing that he hath been several years in Stirling Castle, and now transported to Dumbarton, that his health is broke, and his outward affairs brought to a low pass, and begs he may be liberate. The council grant the desire of the petition, and confine him to the parish of Galston in the shire of Ayr, and discharge him to keep conventicles. The same day Mr John Murray, some time prisoner in the tolbooth of Edinburgh, for alleged house-conventicles, is liberate, and confined to the parish of Queensferry, ordained to wait upon ordinances, and abstain from keeping conventicles.

I come next to consider the troubles several gentlemen and others of the presbyterian persuasion were continued under, and brought into this year. Last year and this, I find several forfeitures passed, and transferred to other persons, which I only name. The lands of Barscob, and those of Mr Gabriel Maxwell, the estate of Regland and Bedlane, are all forfeited, and transferred, upon the score of Pentland. Mr John Cunningham of Bedlane, July 18th, is ordered to be carried from Stirling to Dumbarton; and, August 29th, he is permitted by the council to ride out every day for his health, upon the conditions expressed last year.

After the Dutch war is begun, several persons are brought to trouble for writing to their friends and relations, who were forced to flee to Holland, and under no sentence of law that I know of. July 18th, Mr John Scot, son to Andrew Scot in Tushielaw, being incarcerate for writing to the reverend Mr John Carstairs in Holland, is brought before the council, and after examination, liberate, upon a bond of a thousand merks to appear when called. September 3d, Mr William Livingstone, being imprisoned for correspondence with Holland, and Mr John Carstairs lately come from Holland, appears before the council, and, finding caution to appear when called, under the penalty of two thousand merks, is liberate.

Mr John Spreul, a most religious and worthy person, writer in Glasgow, of whom before, supplicates the council August 29th, showing, "that he hath subjected himself to the act of banishment he was laid under, on the account of mere nonconformity, now for eight years; and falling under sickness in his exile, he had returned for his health, and, since November last when he returned, hath been at no conventicles, yet was taken up and imprisoned; now under his old age, and many infirmities, begs he may be liberate." The council allow him to be liberate, upon his giving bond and caution to compear when called, under penalty of two thousand merks.

December 5th, William Porterfield of Quarrelton having been in prison of a long time, for his accession to the rebellion 1666, petitions the council, that he may be liberate, because of his indisposition of body, and the great poverty he was reduced unto. They ordered him to be transported from Edinburgh prison to Dumbarton Castle, allowing him the liberty of going abroad in the day-time, he giving bond and caution under ten thousand merks, to re-enter the castle every night.

Some other hardships I meet with this year, upon meaner persons. A poor countryman in the parish of Abbotsrule, by reason of his nonconformity, and refusing to hear the curate, is by him delated, and by his advice pitched upon to be a soldier; which he peremptorily refusing, is fined in a hundred pounds. I find, John Rankin in Tofts, in Eaglesham parish, James Dunlop in Ponoon Mill there, James Brown in Muirzet, John Fauls in Newton, in Mearns parish, are brought in to Edinburgh prisoners, for alleged corresponding with, and reset of some concerned in riots upon ministers. The council remit them to the earls of Dumfries and Dundonald, September 16th, to determine about them as they find cause.

I find no riots upon orthodox ministers, mentioned before the council this year,

unless it be one, probably committed the close of the last. January 18th, the council appoint a committee to try a riot lately committed upon Mr Alexander Ramsay minister at Auchinleck, in the shire of Ayr, whose house was broke in the night-time. The council, January 23d, give a commission to several officers of the forces lying near by, "To try into it, and to hold courts, and to call in the inhabitants of that and the neighbouring parishes, to depone what they know about it, and to fine the absent heritors in two hundred pounds, tenants forty pounds, and cottars in ten pounds, and each woman according to the quality of her husband dead or alive." This is the first commission of this kind I meet with, and the fines most arbitrary and exorbitant; but we shall afterwards find abundance of such finings by the soldiers. In June, the council order out letters against Sir John Cochran, and the parish fining them in three thousand merks, to be paid to the curate. I find, January 25th, that Gordon of Dundeugh in Galloway gets up a bond of six hundred merks, extorted from him by Sir William Bannantyne, now in the clerk's hands. More and more of the violences 1665 and 1667, are appearing. So much may suffice for the more general view of the state of presbyterians this year.

SECT. II.

Of the laws and acts of the third session of parliament, June 1672, *in as far as they relate to presbyterians.*

THIS is the last session of parliament, under Lauderdale's administration, which meddles with church matters; and unless it be a short marred meeting in the close of the next year, we shall find no more parliaments for nine years. To carry on the history of presbyterians' sufferings, from these incontestable documents of the severity of the period I am upon, I shall make some cursory remarks upon the acts of this session; which, together with such as are already narrated, were the foundations upon which the council and their under-workers went in all their oppressions. Indeed many times they went further than even these rigorous laws. The king's letter to this meeting, is in print already, and contains a very high encomium of the duke of Lauderdale, with full assurances of the king's regard to the kingdom and church. The duke, to be even with his master, very pressingly represents the necessity of the Dutch war, which I leave to be considered by the civil historians of this time. 1672.

Their first act is anent the militia, which I should not have noticed, were it not for a pretty remarkable clause in it, with relation to the security of the prelates and their church establishment. It is statuted, in order "to qualify those employed in the militia," that all officers be persons "well affected to the religion and government of the church as now established:" and that both officers and soldiers "take the oath of allegiance," with the declaration formerly mentioned, imbodied in it: and if they refuse, *brevi manu* they "are to be imprisoned," and the council "are to banish them the kingdom." I hope, after this, the writers against presbytery will make no more noise about the act of classes, made January 29th, 1649, and the care then taken to secure the constitution, with the zeal expressed against malignants getting into the army; since so good a copy is so exactly followed by their own dear friends in this parliament.

I have insert the ninth act, "against unlawful ordinations," in a note.* The

* *Act against unlawful ordinations,* 1672.

Our sovereign lord, considering, that the true and regular way of ordination to the holy calling and employment of the ministry is of great and necessary importance to the constitution, peace and unity of this church, and for preserving the reverence and interest of the reformed religion profest in it, and for the preventing of the growth of scandalous schism and confusion, arising from various and different ordinations, doth therefore, with advice and consent of his estates of parliament, statute and ordain, that no person or persons, whatsoever, presume to appoint or ordain any person to the office and work of the ministry, except these who have authority approven by the laws of the kingdom for that effect, and that no person take ordination from any but such as are thus lawfully authorized to give the same; declaring hereby, all pretended ordinations of any persons, since the year 1661, which have not been, or hereafter, shall not be according to the appointment of the

1672. reader will see the design and views upon which it is made, without my help. The prelates were not a little uneasy to hear that presbyterian ministers should license any preachers, or ordain any to succeed themselves, when worn out by their cruelties; and therefore get this restraint laid upon them. At this time there was a sensible decrease of presbyterian ministers, by death, banishment, and the hardships of this time; and it was attended with no small difficulty to get young men sent abroad to other protestant churches, to be ordained to the holy ministry: meanwhile, the cravings and necessities of the people were very great. Therefore, as ministers had opportunity, several young men well qualified, as appeared in their conduct and usefulness afterward, were licensed and ordained. This galled the bishops, who could not endure the thoughts of presbyteries being revived, far less perpetuated, in this church: so this act is framed. Its narrative says, "schism and division arise from various and different ordinations." This is a smooth way of telling us, that all ordinations, without prelates at the top of them, "are divisive and schismatical," which is now pretty openly the doctrine of the highfliers. The statutory part is, "that none ordain to the office of the ministry, but such who have authority for this effect from the laws." I hope they are not yet arrived at the impudence to derive the power of ordination from the king's supremacy; yet this sounds that way: but, I suppose, the meaning may be, that none who are not "authorized ministers," that is, "subject to the bishops," shall presume to ordain. Further, they declare "all pretended ordinations, since the year 1661, null and invalid." No question, all pretended ordinations are void and null, before the (year) 1661, as well as since; but if they mean, that all ordinations, without diocesan bishops, are invalid, and that persons set apart to the ministry, without the concurrence of the prelates, are not ministers, it is an unchristian heaven-daring assertion, reflecting upon the whole of the reformed churches, and tending to breed confusions and convulsions in the minds of people through the kingdom; and, in its just consequence, a declaring many of themselves, and the most part of the nation, heathens. At this rate, it had not been altogether out of the road, by their next act, to have appointed all such who were baptized by presbyterian ministers, to be rebaptized. It is not improbable this act was drawn by the primate: it is intricate, dark, ambiguous, and double-faced, and very like himself. The severity of the penalties is a further proof of its author: "the ordainers and ordained are to be imprisoned, and banished by the council;" their moveables confiscated, and other hardships, as in the act. And further, persons married by such, are "denuded of all they can claim *jure mariti vel relictæ*," and made liable to all the penalties of the act 1661, against clandestine marriages. This bears hard upon the subjects, and obliges them to inquire into the mission and ordination of ministers, before they can be safe in law as to their marriages.

The eleventh act I have likewise insert, in a note.* "Act against such who do not

law, to be null and invalid; and all persons who since the said year, have received pretended ordination, or shall receive the same any other manner of way than as is settled by law, to be no ministers. And his majesty, with advice foresaid, statutes and ordains, that both the pretended ordainers, and these who shall pretend to have received ordination, be seized upon by the sheriff or other ordinary magistrate of the place, and committed to prison until they be delated to the lords of the privy council, who are hereby authorized and ordained, after trial, and finding the said persons guilty, to sentence them by confiscation of all their moveable goods, and banishing them, and to cause them find caution not to return to his majesty's dominions. And in case they shall refuse to find caution, or, being banished, shall afterwards return to this kingdom, that they shall suffer perpetual imprisonment, and not be released, except by a warrant under his majesty's own hand. And further, it is hereby statute and declared, that whosoever shall be married within this kingdom by the foresaid persons, or by any other person not lawfully authorized, they shall amit and lose any right or interest they may have by that marriage, *jure mariti, vel jure relictæ*, and that by and attour the pains and penalties provided by the act of parliament in anno 1661, against disorderly and clandestine marriages; which act is hereby ratified and renewed.

* *Act anent Baptisms*, 1672.

The king's majesty, considering that divers disaffected persons in this kingdom, being unwilling to have their children baptized in an orderly way, do either delay to baptize them,

baptize their children." This is a terrible act indeed, and, as is now usual, an improvement upon the act of council formerly made, as to irregular baptisms. It statutes, "That every person who wants a testimonial from the minister of the parish where he lives, that his child is baptized within thirty days of its birth, shall be fined, heritors in a fourth part of their yearly valued rent, merchants in a hundred pounds Scots, and others, as in the act." And the execution of this harsh law, and the pocketing of the fines, except these of heritors, is committed to the under executors of the laws. This was a heavy ground of terrible exactions, and severe oppression upon the country, and a sad snare to many, obliging them either to prostitute their conscience or lose their money.

Their twelfth act is for an "anniversary thanksgiving upon the 29th of May." See note.* I have, upon the matter, considered this act in the former book, and cannot fully account as to the reason of this new act, for the observation of this day; unless it was to give the greater uneasiness to the indulged ministers, and to be a foundation of new fines and exactions. In the act 1661, the word holyday is used; here it is omitted, but the thing is continued. There are no penalties annexed to the first institution of this holyday, but the reader will find them in this second appointment. I shall only further remark, that the king and parliament most plainly ordain this "day to be kept for ever," and appoint all ministers to preach upon it, and declare this act to be "the rule and warrant" for this anniversary, in all time coming. Presbyterians continued in their opinion, that no human authority hath power to appoint constant returning anniversary holydays. This act is smoother than the former, and, in some things, more agreeable to the power of a 1672.

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or pretend that they are not baptized, thinking thereby to escape the punishment which, by former acts of parliament, is appointed to be inflicted upon such as are guilty of disorderly baptizing, doth therefore, with advice and consent of his estates in parliament, statute and declare, that such parents, who shall hereafter keep their children unbaptized, for the space of thirty days together, or shall not produce a testificate under the hand of the minister of the parish, bearing that the children were baptized within the said space, shall incur, and be liable to the pains and penalties following, viz. Every heritor, liferenter, or proper wadsetter, shall be fined in a fourth part of his valued yearly rent; every person, above the degree of a tenant, having a personal but no real estate, in one hundred pounds Scots; every considerable merchant in one hundred pounds; every inferior merchant, or considerable tradesman, and every tenant labouring land, in fifty pounds; every meaner burgess, tradesman, inhabitant within burgh; and every cottar, in twenty pounds Scots; and every servant in half a year's fee. And it is hereby declared, that, where kirks are vacant, the parents shall, within the said space of thirty days, be obliged to go to the next adjacent parish kirk which is planted, and obtain their children baptized there, under the foresaid penalties. And his majesty, with advice aforesaid, requires the sheriffs, stewarts, lords of regalities and their deputes, and magistrates of burghs royal, within their respective bounds, to put this act in execution, by calling before them, and judging the contraveners, and uplifting the fines abovementioned; and for their encouragement, they are hereby allowed to retain the fines of all the said persons, for their own use, except these of heritors, for which they are to be countable to the commissioners of his majesty's treasury.

* *Act anent the twenty-ninth of May*, 1672.

The estates of parliament, considering the great blessing of almighty God, in restoring his majesty to the throne of his royal ancestors, and thereby liberating these kingdoms from the thraldom and bondage under which they did so long groan, in acknowledgment of their thankfulness to God, and of their duty and loyalty to his majesty, and that the memory of so great a mercy may never fall in oblivion or neglect, do humbly offer to his majesty, that the anniversary solemnity be yearly and perpetually kept by all the people of this kingdom, upon the 29th of May, being the day of his majesty's birth and restoration. Therefore his majesty, with consent of the estates of parliament, statutes and ordains, that the anniversary solemnity, for his majesty's happy birth and restoration, shall, in all time coming, be kept upon the 29th day of May yearly; and that ringing of bells, throughout the whole kingdom, and other evidences of joy, be observed the said whole day, with bonefires at night; and that all ministers within the kingdom, shall preach yearly upon the said 29th of May, that they, with the whole people, may give thanks to God almighty, for his so signal goodness to these kingdoms: certifying, that whosoever shall fail in observing this present act, they shall be fined, and otherwise punished by his majesty's privy council, and other judges ordinary, according to their condition and estate. And his majesty, with advice foresaid, declares that this present act shall be the rule and warrant for the said anniversary, in all time coming.

civil court: yet, the leaving the
1672. fine to be imposed "to the determination of the judges ordinary," seems both unjust and oppressive.

The seventeenth act, against conventicles, comes next to be inserted.* It seems to be framed with a view, that no more parliaments were to sit for a good many years; and, in that event, though the king had power to protract the act, yet the bishops, to make all sure, get this renovation. The acts fifth and seventh of the last session 1670, not yet expired, are now extended three years after the first three. Some few further remarks offer on this act.

The parliament declare, "they did not, and do not discharge family worship, or prayer in a family by the persons in it." What a sad time must this be? And what an ill-worded act is the former? that gives occasion for this session thus to explain themselves, and makes it necessary to a parliament in a Christian protestant kingdom, to vindicate themselves from a design to suppress "family-prayer and worship." Yet they still take upon them to discharge it, "if there be more present in the family than four persons not belonging to it." What a wild unreasonable restriction must this appear to any reflecting person in many cases? At this rate, public-houses upon the road must many times be discharged to worship God, having more than four in their house, not belonging to their family; yea, many private houses in the country, where it frequently falls out there are more than four with them all night. I could give instances wherein this restriction is evidently irreligious. What to make of the next clause in the act I know not, "It is always declared this act does not give allowance to outed ministers to pray in any families, except in the parishes where they are allowed to preach." For what I can see, an outed minister not allowed to preach, by this act is discharged to pray in his own family; and the indulged must pray in no families, but those of their own congregation. If they come into Edinburgh or Glasgow, even by a call from a bishop, or

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* *Act against Conventicles*, 1672.

Forasmuch as the act past by his majesty and estates of parliament, upon the 13th of August, 1670, against conventicles, and the other act past in the same parliament, upon the 20th day of the said month of August, 1670, against separation and withdrawing from the public meetings of divine worship, were appointed to endure only for the space of three years, unless his majesty should think fit to continue them longer; and his majesty, considering that these acts have not hitherto received that obedience which was due unto them, and that the execution thereof hath not been so duly prosecuted as by the tenor of the same is prescribed, and that therefore the continuance thereof will be necessary for some longer time, doth, with advice and consent of his estates of parliament, statute and ordain, that the two acts of parliament above mentioned, against conventicles and withdrawing from public meetings of divine worship, are and shall endure and continue acts of parliament, and public laws of the kingdom, for the space of three years after the expiring of these three years above mentioned, and longer as his majesty shall be pleased to appoint. Likeas, his majesty considering, that by the said act against conventicles, it is statute, that no outed minister, not licensed by his majesty's council, nor other person not authorized nor tolerated by the bishop of the diocese, presume to preach, expound scripture, or pray in any meeting, except in their own houses, and to these of their own family; and since there may be some questions and doubts concerning the meaning and extent of that word, *Pray*, his majesty doth, with advice foresaid, declare, that it is not to be understood, as if thereby prayer in families were discharged by the persons of the family, and such as shall be present, not exceeding the number of four persons besides these of the family; it is always declared, that this act doth not give allowance to any outed minister to pray in any families, except in the parishes where they be allowed to preach. And further, his majesty, with advice foresaid, doth hereby also authorize the magistrates of the royal burghs, to call before them all such of their burgesses as shall be guilty of keeping conventicles, and to proceed against them by fining and otherwise, as is at length exprest in the said act; and that they make account and report of the fines to the commissioners of his majesty's treasury, and of their diligence to his majesty's council. And his majesty considering the slow progress hath been made, in putting these acts in execution for the time bygone, doth therefore, with advice foresaid, statute and command, that all sheriffs, stewarts, lords of regalities and their deputes, and magistrates of burghs within their respective jurisdictions, shall from henceforth be careful in putting these acts to due execution against keepers of conventicles, and withdrawers from public worship, conform to the power and trust committed to them thereby, and that they return an account of their proceeding to his majesty's council yearly, on the first Thursday of July, under the pain of five hundred merks, to be paid by each sheriff, stewart, bailiff, and magistrates of burgh, for each year's failie, in not giving an account of their diligence, as said is.

the government, and go about family worship where they lodge, they incur the penalties formerly mentioned. This is a new branch of their confinement, and laid on them just the day after their second indulgence, and certainly is most unreasonable. And after a complaint of the nonexecution of the former acts, to secure this in time coming, and as a ground for inferior magistrates to act upon with the greater rigour against presbyterians, they are required to send in the yearly accounts of their diligence to the council; and if they fail, every sheriff, steward, bailie or magistrate, in case of not evidencing their zeal against conventicles this way, is to be fined in 500 merks. Thus all methods are taken, not only to give warrant by acts upon the back of acts, but likewise to tempt and force persons, who appeared not altogether so virulent, to persecute presbyterians.

The 22d and last act of this parliament, excepting common forms, is "an act against profaneness," never more needful than now. It is an excellent act, had it been brought to any bearing or execution; yea, it is so framed, that it was evidently the fault of the minister and session, or assistants, as they are now called, in great measure, that it was not put in execution: but the curates, at least in the west and south, were so much taken up with suppressing the crimes of conventicles, and nonattendance upon themselves, that I do not hear of any collectors or session bailies appointed for uplifting the fines put upon the different branches of profaneness. It is matter of regret, and effectually prevented doing any thing in this matter, that too many of themselves were too far liable and open to the penalties of the acts, to offer to prosecute others. The indulged ministers in many places took the benefit of this act, and chose their parochial bailies according to it. The kirk-session, I find, by this statute is a legal judicatory. The elders (in law) or assistants, have considerable power given them; and yet this head of elders is one of the great topics of slander, wherewith the episcopal party load the presbyterian constitution: but ruling elders must not be named, that is presbyterian cant, though scriptural, "the elders that rule well," &c. Thus I have gone through the laws made against presbyterians under Lauderdale's administration, which, upon the matter, may be reckoned from the (year) 1660. In the following years, during the interval of parliaments, till 1681, we shall find acts of council built upon these, yea, exceeding them, and severe abundantly against presbyterians. I come to end this chapter with an account of their second indulgence. 1672.

SECT. III.

Of the second indulgence granted to presbyterians, September 3rd, 1672.

WHAT I have already laid before the reader upon the first indulgence, 1669, will save him the trouble of any account of this, save in so far as it differs from that; and were it not that we want a church history of these times, I should most willingly have waved both, as being somewhat differing from my design of giving a narrative of the sufferings of presbyterians. It is hard enough to give any tolerable view of this second indulgence, further than the public acts and papers go. As is too ordinary in divided and broken times, both sides represent matters of fact, according to the different views they had: and it must be owned, there was too much warmth both at their meetings and reasonings about it, and afterwards; which makes me at this distance, hold very much by the papers on both sides, and leave the reader to form his own judgment upon the whole. Those I shall bring into as short and plain an account of matter of fact, as I can collect from what hath come to my hand.

When Lauderdale came down in April this year, it was generally said he had an indulgence in his pocket. In England, the king by his proclamation of March 15th, granted a toleration to dissenters.* Since

* This toleration in England was intended solely for the benefit of the papists, "yet the presbyterians," we are told by Burnet, "came in a body; and Dr Manton, in their name, thanked the king for it, which offended many of their best friends. There was also an order to

1672. it hath so near a relation to the subject I am upon, it is annexed below.* In it a greater favour is allowed to papists than dissenters; yet that was what they could not help. Probably it was given to gratify French designs, and to quiet matters at home, as much as might be, when engaging in a war with Holland, so much against the interest, as well as inclinations of England. The like liberty, if not a greater, was expected in Scotland to presbyterians, exclusive of papists; and indeed here there was no colour for making the last sharers, and it is pretty certain the king did design it. The bishops, and lords of council on their side, violently opposed it, and many letters were writ to court against it: however, Lauderdale had full instructions in that matter, though he kept them close; yea, carried with a great deal of rigour to presbyterian ministers and gentlemen, as we have heard already upon the

pay a yearly pension of fifty pounds to most of them, and of a hundred pounds a year to the chief of the party. Baxter sent back his pension and would not touch it, but most of them took it. All this I say upon Dr Stillingfleet's word, who assured me he knew the truth of it. And in particular he told me, that Pool, who wrote the synopsis of the critics, confessed to him that he had had fifty pound for two years. Thus the court hired them to be silent, and the greatest part of them were so, and very compliant."—Burnet's History of His Own Times, vol. ii. pp. 16, 17.—*Ed.*

* *Declaration of his majesty's favour, or English indulgence, March 15th, 1672.*

Our care and endeavours for the preservation of the rights and interests of the church, have been sufficiently manifested to the world, by the whole course of our government, since our happy restoration, and by the many and frequent ways of coercion that we have used for reducing all erring or dissenting persons, and for composing the unhappy differences, in matters of religion, which we found among our subjects upon our return: but it being evident, by the sad experience of twelve years, that there is very little fruit of all these forcible courses, we think our self obliged to make use of that supreme power in ecclesiastical matters, which is not only inherent in us, but hath been declared and recognized to be so by several statutes and acts of parliament; and therefore, we do now accordingly issue this our declaration, as well for the quieting the minds of our good subjects in these points, for inviting strangers in this conjuncture, to come and live under us; and for the better encouragement of all to a cheerful following of their trade and callings, from whence we hope, by the blessing of God, to have many good and happy advantages to our government; as also, for preventing for the future, the danger that might otherwise arise from private meetings and seditious conventicles. And in the first place, we declare our express resolution, meaning and intention to be, that the church of England be preserved, and remain entire in its doctrine, discipline and government, as now it stands established by law; and that this be taken to be, as it is, the basis, rule, and standard of the general and public worship of God; and that the orthodox conformable clergy do receive and enjoy the revenues belonging thereunto; and that no person, though of a different opinion and persuasion, shall be exempt from paying his tithes, or other dues whatsoever. And further, we declare that no person shall be capable of holding any benefice, living, or ecclesiastical dignity, or preferment of any kind, in this our kingdom of England, who is not exactly conformable. We do, in the next place, declare our will and pleasure to be, that the execution of all, and all manner of penal laws in matters ecclesiastical, against whatsoever sort of nonconformists, or recusants, be immediately suspended, and they are hereby suspended; and all judges, judges of assize and gaol-delivery, sheriffs, justices of the peace, mayors, bailiffs, and other officers whatsoever, whether ecclesiastical or civil, are to take notice of it, and pay due obedience thereunto. And that there may be no pretence for any of our subjects, to continue their illegal meetings and conventicles, we do declare that we shall, from time to time, allow a sufficient number of places, as they shall be desired, in all parts of this our kingdom, for the use of such as do not conform to the church of England, to meet and assemble in, in order to their public worship and devotion; which places shall be open and free to all persons. But to prevent such disorders and inconveniences as may happen by this our indulgence, if not duly regulated, and that they may be the better protected by the civil magistrate, our express will and pleasure is, that none of our subjects do presume to meet in any place, until such place be allowed, and the teacher of that congregation be approved by us. And lest any should apprehend, that this restriction should make our said allowance and approbation difficult to be obtained, we do further declare, that this our indulgence, as to the allowance of the public places of worship, and approbation of the teachers, shall extend to all sorts of nonconformists and recusants, except the recusants of the Roman catholic religion, to whom we shall in no ways allow public places of worship, but only indulge them their share in the common exemption from the execution of the penal laws, and the exercise of their worship in their private houses only. And if, after this our clemency and indulgence, any of our subjects shall presume to abuse this liberty, and shall preach seditiously, or to the derogation of the doctrine, discipline or government of the established church, or shall meet in places not allowed by us, we do hereby give them warning, and declare, we will proceed against them with all imaginable severity: and we will let them see, we can be as severe to punish such offenders, when so justly provoked, as we are indulgent to truly tender consciences.

Given at our court at Whitehall, this fourteenth day of March, in the four and twentieth year of our reign.

first section. And I only add, that when Mr George Johnston, Mr Gilbert Hall, and some others, were summoned in before the council for conventicles, some of them came to understand how matters were like to go: and, finding violence designed, they did not find it safe to compear, and were denounced, and put to the horn.

Meanwhile Lauderdale kept fixed by his point of giving the indulgence; and when the reports of it came to be public and certain, about twenty ministers met at Edinburgh, upon the 8th day of August this year, and agreed to write a letter to Sir James Dalrymple of Stair, now a privy counsellor, in whom they confided as much as in any at the board; humbly desiring, that any indulgence to be granted, might be free of straitening ingredients and conditions, which might difficult conscientious presbyterian ministers from embracing it, and people from joining with such as did embrace it. At this meeting they reasoned upon, and drew some answers to some queries, "who might accept of it, and who not;" but all they did or could do was in the dark, and by guess, not being as yet acquainted with the terms of the indulgence to be granted. I find it remarked, that there were some in their meetings, who constantly called for a testimony against the sinful encroachments of the state, and urged such expressions to be inserted in the letter as made it treason against the present laws; and when the paper was thus inflamed, they went off. Thus, after some meetings, the letter grew so high, that none could be found to present it, and so it was laid aside. This gave occasion to the reports spread in the west, that the brethren in and about Edinburgh were for accepting the indulgence, providing a letter were writ containing their difficulties about it. He was one of this meeting from whose papers I give this account, and says, they came to no resolution concerning this letter. When this expedient failed, and the letter could not be concerted, it was next resolved to send two of their number to represent their forementioned desire to Stair; and, upon August 20th, Mr Gabriel Cunningham and Mr James Kirkton waited upon him: he gave them very kind assurances he would do all in his power for them; and I doubt not but he did so. 1672.

At length, upon the 3d of September, the Lord's day, the council came to an issue in this matter; and at Holyrood-house frame and agree to three acts relative to this new indulgence. The design of the lords was, no doubt, to be eased of their trouble every day from conventicles by casting all, or as many as they saw fit, of the outed presbyterian ministers, together by twos, threes, and fours, in so many congregations as they named. There was abundance of cunning in framing the acts, both for answering this end, and so as ministers might be brought to comply with some of the acts, without approving others, which contained clauses more gravaminous: yea, there seems in the frame of these acts to be room left by the framers for blowing at the fire of division among presbyterians, by which the designs of their enemies were mightily carried on. In their first act (vide note,*) the reader will perceive, that about

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* *Act 1st, anent the indulgence, Holyrood-house, September 3d, 1672.*

The lord commissioner his grace, and the lords of his majesty's privy council, considering the disorders which have lately been by the frequent and numerous conventicles, and being willing to remeed so great an evil, in the greatest manner that could be thought on, and his majesty's commissioner being sufficiently instructed herein, they do order and appoint the ministers afternamed, outed since the year 1661, to repair to the parishes following, and to remain therein confined, permitting and allowing them to preach and exercise the other parts of their ministerial function, in the parishes to which they are or shall be confined by this present act, and commission after specified, viz:—

In the diocese of Glasgow.

In Eaglesham parish, with Mr James Hamilton, Mr Donald Cargill.

Paisley, with Mr John Baird, Messrs William Eccles and Anthony Shaw.

Neilston, Messrs Andrew Miller and James Wallace.

Kilmacolm, Messrs Patrick Simpson and William Thomson.

Kilbarchan, Messrs John Stirling and James Walkingshaw.

Killallan, Messrs James Hutchison and Alex. Jamison.

Irvine.

Newmills, Messrs John Burnet and George Campbell.

Fenwick, Messrs Thomas Wylie and William Shiel.

1672. eighty presbyterian ministers are confined to fifty-eight parishes or thereby, mostly in the west and south. The council proportion the stipend, and give assurances to the regular and legal incumbents, that no more shall be indulged. By

Stewarton, Messrs William Castlelaw, Andrew Hutchison, and Andrew Morton.
Dunlop, Messrs Gabriel Cunningham and William Mein.
Largs, Messrs John Wallace and Alex. Gordon.
Kilbride, Messrs Robert Boyd and Gilbert Hamilton.
Cumbray, Messrs Archibald Porteous and John Rae.
Kilwinning, with Mr Ralph Rodger, Mr Robert Fleming.
Irvine, with Mr George Hutchison, Mr John Law.
Kilmarnock, with Mr Alexander Wedderburn, Messrs James Rowat and William Hay.
Kilmaurs, with Mr George Ramsay, Mr John Park.
Dreghorn, with Mr John Spalding, Mr James Donaldson.
Beith, with Mr William Maitland, Mr William Crichton.
Kilbirnie, with Mr William Tillidaff, Mr Patrick Anderson.
Ardrossan, with Mr John Bell, Mr James Bell.

Ayr.

Culton, Mr William Fullarton.
Ricarton, Messrs Hugh Campbell and Hugh Crawford.
Dundonald, Messrs John Osburn and John Hutchison.
Mauchline, with Mr James Veitch, Mr Robert Archibald.
Ochiltree, with Mr Robert Miller, Mr Patrick Peacock.
Galston, with Mr Alexander Blair, Mr Adam Alison.
Craigie, with Mr David Brown, Mr Robert Maxwell.
Dalganie, with Mr Andrew Dalrymple, Mr John Campbell.
Symington, with Mr John Gemmel, Mr Francis Irvine.

Kirkcudbright.

Carsfairn, John Semple, and Mr Wm. Erskine.
Kelles, with Mr Cant, Mr George Wauch.
Dalry, with Mr John M'Michan, Mr Thomas Thomson.
Balmaclellan, Mr James Lawrie, and Thomas Vernor, in place of John Ross, when he shall be transported to Stony-kirk.

Hamilton.

Avendale, Messrs James Hamilton and Robert Young.
Glasford, Messrs William Hamilton and James Nasmith.
Shots, Messrs James Currie and Alex. Barton.
Dalserf, Messrs Thomas Kirkaldy and John Carmichael.
Stonehouse, with Mr John Oliphant, Mr Matthew M'Kell.
Cambusnethan, with Mr William Violant, Mr Robert Lamb.
Dalziel, with Mr John Lawder, Mr Thomas Melvile.

Lanark.

Carluke, Messrs Alex. Livingstone and Peter Kid, now at Carluke.
Carmichael, Messrs John Hamilton and William Somerwel.
Culter, Messrs Anthony Murray and Robert Lockhart.
Lammington, with Mr John Crawford, Mr William Bailie.
Lesmahago, with Mr Thomas Lawrie, a regular incumbent, Mr James Brotherstones.
Carstairs, Messrs James Kirkton and John Greg.

Linlithgow.

West Calder, Messrs John Knox and William Weir.
Borrowstonness, Messrs Robert Hunter and John Inglis.

Lothian, &c.

Linton, with Mr Robert Elliot, Mr Robert Elliot his son.
Oxnam, with Mr John Scot, Mr Hugh Scot.
Hownam, with Mr John Stirling, Mr —— Ker.

Argyle.

Killern, Messrs John Cunninson and Alexander M'Lean.
Kilfinnan, Mr John Cameron.
Campbelton, Messrs Duncan Campbell and Edward Keith.
Kilchattan in Lorn, Messrs John Duncanson and Alexander M'Lean.
Knapdale, with Mr Dugald Campbell, a regular incumbent, Mr Duncan Campbell.
South Kintyre, Mr David Simpson.

And yet notwithstanding of the said confinement, the lord commissioner his grace, and the lords of his majesty's privy council, gave full power, warrant and commission to the lord chancellor, the lord duke of Hamilton, the earls of Argyle, Tweeddale, and Dundonald, the lords president of the session, and register, treasuror-depute, and justice-clerk, with the bishop of the diocese, wherein the said ministers are confined, or any four of them, within the space of six months after the date hereof, to alter and change any of the persons foresaid, from any of the said parishes to another of those parishes, or to allow or confine other persons in their place, they always pitching in the first place upon some outed ministers, from that diocese wherein the parishes to which they are to be confined do lie; and allowing none to preach who were outed before the year 1662, or being outed since the year 1661, are under certifications or sentences of any court of this kingdom; with power to the said commissioners and their quorum, to confine to, and allow outed ministers, as said is, in the parishes of Tarbolton, Barnwell, Stevenson, Lochgunnoch, Inchinnan, and Mearns; and that so soon as the present incumbents in these parishes shall be provided, and transported to other kirks, recommending to patrons to give them presentations to kirks that shall vaik; and particularly to patron of the kirk of Gallashiels, to give a presentation thereto to Mr Alexander George; to patron of the kirk of Burghton, to present thereto Mr William Nasmith; to patron of the kirk of Maclue, to present thereto Mr Robert Kincaid; to patron of Gartne, to present thereto Mr —— Stuart: and for the entertainment and maintenance of the ministers foresaid, confined and allowed by this act, and of these formerly indulged by the council, the said

their second act, which is inserted below.* The reader will see they prescribe rules to be observed by all the indulged ministers, about their baptisms, their keeping the sacrament of the Lord's supper upon one day, their places of preaching, keeping within the bounds of their own parish, their discipline and payment of the ordinary dues to synod clerk, and bursar. Their third act, which is likewise inserted below,† dischargeth all other presbyterian ministers, excepting these where indulged, to exer- 1672.

lords do think fit, that the half of the stipend of the respective parishes, wherein they are confined, of the crop and year of God, 1672, be paid to the ministers formerly indulged therein, and that the other half of the said stipend be equally divided amongst or betwixt those formerly, and now allowed to preach in the said parishes; the said whole stipends receiving in the future division proportionably, according to the number of persons formerly, and now allowed to preach therein; and where there was no person formerly indulged, the third part of the stipend of the year 1672, is to be paid to these confined and allowed by this present act, in the respective parishes foresaid; and in case any of the ministers foresaid shall not serve as they are allowed by this act or commission foresaid, their proportion of the said stipends are to be holden as vacant, and to be employed conform to an act to be made in this session of parliament, anent the disposal of the vacant stipends; and ordain letters to be directed at the instance of the several ministers foresaid, serving, as said is, against these liable for payment of their proportions of the said stipends. And the lord commissioner's grace, and the lords of his majesty's privy council, considering the extent of the indulgence given by this act, and that if the same should be any further enlarged, the regular ministers might be discouraged, and the orderly and peaceably disposed people of this kingdom disquieted, do declare, that hereafter they are not to extend the said indulgence in favours of any other people, or to any other parishes than to those mentioned in this act, nor to allow outed ministers to preach in any kirks not herein expressed, and wherein they are not already ministers allowed to preach by this act.

* *Act 2d, about the indulged, September* 2, 1672.

Whereas, by an act of the date of thir presents, and by former acts of council, divers ministers, outed since the year 1661, have been and are warranted and licensed to preach at certain kirks therein specified; and it being necessary for the better keeping of good order, that the rules following be observed by these ministers, indulged by an act of the date of thir presents, and those indulged by former acts of council; therefore the lord commissioner's grace, and the lords of his majesty's privy council, do enjoin the punctual and due observance thereof to the said ministers, as they will be answerable.

1. That they presume not to marry or baptize, except such as belong to the parish to which they are confined, or to the neighbouring parishes vacant or wanting ministers for the time.

2. That all ministers indulged in one and the same diocese, celebrate the communion upon one and the same Lord's day, and that they admit none to their communions belonging to other parishes, without testificates from the ministers thereof.

3. That they preach only in these kirks, and not in the church-yards, nor in any place else, under the pain to be reputed and punished as keepers of conventicles.

4. That they remain within, and depart not forth of the parish to which they are confined, without license from the bishop of the diocese only.

5. That in the exercise of discipline, all such cases as were formerly referable to presbyteries, continue still in the same manner; and where there is no presbyterial meeting, that these cases be referred to the presbytery of the next bounds.

6. That the ordinary dues payable to bursars, clerks of presbyteries and synods, be paid by the said ministers as formerly.

And that the said ministers may have competent time for transporting of their families and disposing upon their goods, the said lords suspend their confinement for the space of three months, to the effect in the mean time they may go about their affairs, providing, that during the time of the foresaid suspension, they do keep and observe the rest of the orders and instructions foresaid, and other acts made anent outed ministers.

† *Act 3d, Holyrood-house, September* 3, 1672.

The lord commissioner's grace, and the lords of his majesty's privy council, considering, that by the act of the date of thir presents and former acts of council, certain ministers outed since the year 1661, are confined in manner therein contained, and that there are remaining divers of that number not disposed on by the said act, it ought also to be provided, that these may not give scandal to any, by withdrawing themselves from the public worship in the kirks of these parishes where they reside, nor ensnare others to do the like by their practice and example, do therefore give order and warrant to sheriffs, bailies of regalities, bailies of bailiaries, and their respective deputes, and magistrates within burghs, to call and convene before them all outed ministers since the year 1661, and not disposed on, as said is, and who are not under a sentence or censure of state, residing in the respective jurisdiction or bounds, or who shall in any time thereafter reside therein, to require them to hear the word preached, and communicate in the kirk of those parishes where they dwell or repair to, or dwell in some other parishes where they will be ordinary hearers, and communicate, and to declare their resolution herein, and condescend upon the parishes where they intend to have their residence, and hear the word and communicate; with power to the said sheriffs, and other magistrates foresaid, to seize upon and imprison their persons, within the space of a month after they should be so required: and in case any of the said ministers shall reside in the parish where there are ministers indulged by the council, they are hereby warranted and allowed to preach in the kirks of these parishes where they reside, upon the invitation of the minister therein confined and allowed, and not else. And, whereas,

1672. cise any part of their ministerial work, under what punishments the council thinks fit; and appoints all outed ministers to attend ordinances in the parishes where they live, or to go and live in such places where they will attend.

Thus stood the scheme of the indulgence, September 3d, this year. When the accounts of it came abroad, they were variously entertained by presbyterians: the most of the ministers in and about Edinburgh, who had not share in the first indulgence, appeared upon the first accounts of it, dissatisfied. In a day or two, there was a dozen or thereby met together, and it was moved by some, that all the brethren present should declare themselves against this indulgence: but, upon reasoning, it was found to be a matter of general concern, and a meeting was proposed to be at Edinburgh, September 24th, and ministers at distance were writ to, to come in from the country with the sentiments of such as could not be present. At the day named, about thirty-two ministers met in Mr Thomas Hogg's chamber. Little was done at their first meeting; but the question being stated, what their practice should be upon this occasion, it was resolved that every member should give his opinion, with the reason of it, at the next meeting. Accordingly, when they met next, Mr John Inglis is chosen moderator: and the brethren came to take the sentiments of all present, whether it was the duty of ministers to go and exercise their ministry at their churches. One of the ministers present hath left this account of their sentiments: "that four were of opinion, ministers ought to go to their churches, when they had once given a testimony, against what they conceived was wrong in their indulgence, to the state. Two were undetermined, and the rest present were for the negative." The minister who spoke first, after he had given his opinion against it, and his reason, added Mr Robert Douglas his sentiments against it, signified to him lately in conversation, and that he said, if his brethren named in the first act, would forbear their churches, he, for his share, would quit his at Pentcaitland, and stand outed with them; and his mind had no small influence: so that night the indulgence seemed generally to be disliked. And, by what accounts I have seen, the ministers in the east country were more averse than those in the west.

When the copies of the council's act came west, there were many meetings up and down, and serious reasonings and consultations upon this affair; and I find, generally speaking, it was the opinion of ministers there, that, providing a sufficient testimony were given against the Erastian part of the civil magistrate, the indulgence might so far be gone into, as ministers should return to their former congregations, and supply vacancies, as far as the liberty went, and put them upon calling ministers nominated in the first act, with consent of the ministry of the neighbourhood. They all agreed, that but one minister ought to go to one parish, excepting the places where formerly there had been two, especially at this time, when there were so few ministers to answer the cravings of people up and down the country; and though it was not doubted that the magistrate had power to restrict minis-

some within the kingdom, without any lawful authority or ordination, take upon them the calling of the ministry, preach, and do other acts peculiar to those of that function, and considering, that such presumption and intrusion upon the sacred office, tend to the disordering and disquieting of the church and kingdom; therefore the lord commissioner's grace, and the lords foresaid of his majesty's privy council, do enjoin the said sheriffs, and other magistrates foresaid, within the respective bounds, to make search for, and seize upon, and imprison such, upon trial that they have exercised the office of a minister, to acquaint the council of their names, and place of their imprisonment, that such course may be taken with them as they shall think fit: and further, the said sheriffs are ordained and commanded to inquire how the ministers confined and allowed to preach in their several jurisdictions, do obey the rules prescribed to them, and contained in another act of council, of the date of thir presents, and whereof extracts are to be sent to the several magistrates foresaid who are hereby appointed to report to the council thereanent every six months, and betwixt and the first of June next, their diligence in the execution of the order contained in the act; certifying them, that if they shall be negligent or remiss in the execution of the orders given to them herein, or failing to give in the said account, they shall be proceeded against and censured according to their demerits. ¢ ¢

ters to one particular parish; yet they seemed generally to agree, that when the whole ministry were confined, it was not their duty to obey. However, these meetings in the east or west, had no determining power. Great were the debates concerning the testimony to be given to the state, upon their acceptance. All agreed there were many grievances in this matter; but how to express them in suitable terms, so as not to do more hurt than a testimony could counterbalance, was the difficulty. After much conversation and reasoning, Mr William Violent and Mr Alexander Wedderburn were pitched upon to draw a paper to this effect. Their draught was generally liked, and it received some amendments in a meeting at Irvine, October this year, and was cast into such a mould, as it might be joined in by those who had already accepted of the indulgence, as well as their brethren who had not. The tenor of it is inserted at the foot of the page.*

Towards the end of October, Mr Gabriel Cunningham, and some more with him, were sent into Edinburgh, with this paper, to see if the brethren in the east, who appeared most averse from this indulgence, would join in it, as an exoneration of themselves, and signification of their deep concern in the Lord's now fallen tabernacle in Scotland. When they came to Edinburgh, they found several ministers in the east had changed their sentiments as to the indulgence, by reasoning and conversation, and were not altogether so averse as once they had been. The opposers of the indulgence alleged some had been taken off, upon their names being put in for vacant congregations, by those whom the council had impowered so to do. What is in this assertion, I know not, but it is certain several were at this meeting, who had not been at the former in September; and thus the appearance was greater in favour of the indulgence than before: yet the former person, a member, asserts in his 1672.

* *Grievances as to the indulgence.*

1. We the ministers of Jesus Christ, who have been debarred from our respective flocks, over which the Holy Ghost has made us overseers, and restrained from the free exercise of our ministry these many years bygone, do, with all thankfulness, acknowledge his most excellent majesty's royal favour, in granting to some of us the public exercise of our ministry, there being nothing under the sun more dear and desirable to us, nor the free liberty thereof: yet considering the offered indulgence, as contrived in the complex, and cast in its present mould in three acts of council, to be clogged with many involvements, contrary to our principles and consciences, and with many inconveniences as to our persons and families, and to the congregations both from which we are separated, and to which we are assigned; we are exceedingly straitened in our liberty to accept of the same, and that because the whole general draught of the three acts anent this affair, appears to us to be nothing else but the actual exercise of Erastianism, in so far as the council is pleased not only to dispose on persons and places, but to make application of persons to places, for the exercise of their ministry, as if it were proper to the magistrate to judge of the spiritual state and condition of the people, of the qualifications and abilities of ministers, and of the suitableness of their gifts and parts to labour in the work of the gospel, among such and such a people; and not only so, but also to form and prescribe rules to ministers, relating to the exercise of their office, and thus enhance and take out of the hands of the ministers of Christ, all that power, and the exercise thereof, which Christ has committed to them, except what they have *precario* from the civil powers; so that the embracing and yielding to these acts, may be interpreted to be an homologating with, and subjecting ourselves to Erastianism, contrary to our known judgments in these matters.

2. Though we disallow all tumultuary and seditious meetings, of which sort the meetings of the Lord's people, for hearing of his word, cannot be reputed; and, being convinced of the Lord's blessing attending his people in them, we are not a little grieved that the narrative of this present act seems to involve the accepter into an interpretative condemning of the same, which we dare not.

3. Albeit there be a very great necessity of a free call from the people, both in regard of ministers themselves, who may judge it necessary, antecedently for the exercise of their ministry, among a people, lest they seem to be intruders, running unsent; and also in regard of the people, who will acknowledge none for their ministers, nor willingly subject themselves to their ministry, who want their call; yet the indulgence, as contrived, deprive the people of the liberty of free election, in so far as ministers are designed for them, and, by the council's act, peremptorily confined to the parishes, without so much as the previous knowledge of the people; and so a necessity is laid upon the people, either to call the confined, or to want a minister.

4. This way offers great violence to that special relation and union that is betwixt pastors and people of their peculiar oversight; so that ministers formerly by violence pulled away from their flocks, and flocks violently separated from their pastors, are still kept in a way of divorcement one from another, and yet this union and relation, being made up only by Jesus Christ,

1672. papers, that the generality of the meeting continued against it. Mr Cunningham presents his paper to them, and the brethren who were against the indulgence, as the above named minister says, took it for a paper of reasons, why the indulgence ought not to be gone into; and so it came to be the subject of reasoning. When they viewed

acting in and by his church, can never be regularly dissolved by any other authority and power, than that which made them up.

5. This contrivance will prove grievous to the most part of the kingdom. 1. In that their own pastors are, without necessity, shut up from them in a corner, at such a time as this, wherein profanity, atheism, popery, and quakerism are so fast springing up and spreading through the land, by which their ministers are put out of a capacity to inform and guard them against the evils and errors of the times: next, it will prove burdensome to the people they are assigned to, in that they will have several necessary duties to perform, in order to the accommodation and encouragement of two, which they will judge needless, one being sufficient for the charge; and it is well enough known, that the overburdening of the people in these things, will render the gospel wearisome to many persons, and so mar their benefit, and beget in them a lothing both of the instruments and means of their salvation. 3. It will prove afflictive to many brethren, in that, by it, they are obtruded upon other men's labour, without a necessity, and occasion their brethren, who have been a long time under a suffering lot, to be deteriorated in their necessary maintenance for them and their families, and will put all the indulged entrants to domestic straits and difficulties; which thing being obvious to any considering the case, we shall not insist on it, being, through the grace of God, fixed in our spirits, in preaching of the gospel, not to seek our own things but the things of Christ.

6. We do acknowledge, that the magistrate hath the power of confinement, and of all other bodily and external punishment *in actu signato*, to execute wrath upon him that doth evil, for he beareth not the sword in vain; but when he is to apply that power *in actu exercito*, to any particular person or persons, we humbly conceive that the law of God, the law of nature, and law of nations, and the law of the land, requires an orderly procedure, and allows the party the benefit of defence. But here, 1. This sentence contains punishment against persons without citations, without a previous charge bearing defences, without demerit, without conviction of any crime and guilt, the like whereof is not done to the grossest of ill-doers. 2. This sentence is drawn out not against one person or two, but against all the presbyterian ministers in the kingdom, a very few only excepted; and the number being so great, makes the practice to be without a parallel or precedent in any reformed church. 3. The acts carry not only a confinement of our persons, (which is hard enough measure,) but a confinement of our ministry, the imprisonment whereof should be, and is sadder to us nor any bondage or suffering our persons can be brought under, because hereby the propagation of the gospel is obstructed. 2. And we are, to the grief of our hearts, bound up from the discharge of these duties we owe to our national church, by virtue of the relation we stand in thereto. 3. We are deprived not only of all benefit of mutual converse, either in the exercise of doctrine and discipline in presbyteries, but also in more private communion with one another, for mutual edification and strengthening of others' hands, in the work of the Lord. All which evils are so much the more grievous to us, as they are trysted at such a time, when papists and quakers are so vigorously driving on their designs, without at all being confined; or any real or effectual restraint put upon them, to the obstructing of such in their work, which we may, without hesitation, call the works of darkness. 4. Though we know the confinement will put no stain upon us in the account of many precious people in the land, yet the nature and tendency of the punishment in itself, is weakening of the necessary reputation and authority of ministers of Christ among the people, in that, by the same breath, ministers are permitted and allowed to preach, and yet sentenced as evil-doers: and as this is the proper and native tendency of the deed, so *de facto*: will be found not a little to embolden the more stubborn, loose, and licentious, to cast at our ministry, when with freedom we shall speak against their sin; all which evils cannot but prove obstructive to the thriving and propagation of the gospel, as said is. 5. As these who are appointed to make choice of parishes to live in, so all these who are confined to parishes to preach, viz. all such as get not a call from the people, who, we suppose, will prove the greatest number, will be exposed to far greater difficulties and sufferings, than formerly, being forced to leave the place of their present settlement, whether among friends or acquaintances, or where the place of their interest is, or where they had fallen providentially, upon the way of using some lawful means for the maintenance of their families, and forced to go to places where they are deprived of all these advantages.

7. The declaration in the close of the first act will prove a grievous and disquieting stroke to the peaceably disposed people of the kingdom, who have been no less longing for their pastors, nor these to whom the favour is extended, when by it they shall see all hopes cut off, of ever recovering them again.

8. We will not fall on a particular consideration of the rules of the second act, only, besides that there is a framing and making of rules, formerly ecclesiastical, proper to church judicatories, and imposed on us by the council, which we cannot approve of except we would renounce our principles, every one of them carries sad grievance alongst with them, both to ministers and people, and all of them appear to be framed in favours of the conformed party, and to the disadvantage both of ministers and people of presbyterian persuasion, and some of them will prove very obstructive even to the thriving of the gospel, and a ready mean for driving of tender Christians upon the precipice of a total separation, of anabaptism, quakerism, &c. And the second rule, enjoining the communion to be given by all in one diocese, in one and the same day, as it is a bad preparative, so considering the different state

it more narrowly, and found it a complaint of what the drawers reckoned gravaminous, upon the presenting of which to the council, the complainers resolved to comply with the indulgence, the meeting divided upon it, and not without some warmth. The unclear brethren complained they were disappointed, and this paper was but a smooth way to help forward ministers, who were clear, to their churches: and the brethren who were clear as to the indulgence, complained that the other side would not join with them in a testimony against what both reckoned sinful in the manner of granting the indulgence. The ministers who continued opposite to the indulgence, alleged their brethren who were to accept, might testify against the evils in it, the best way they could; but they could not join, because they were unsatisfied with the whole of the indulgence. The ministers who were not straitened as to the favour in general, but only as to some circumstances, complained that their brethren did not concur with them in testifying against what they agreed with them to be evil. They again were willing to testify jointly with them, against what evils appeared in the indulgence, providing all would stand out, and not accept. 1672.

Several meetings were spent upon these debates, without much conviction upon either side. Their last meeting was December 23rd, and they could come to no agreement: those who remained averse from the indulgence still insisting, that no paper which could be given into the state, would be a sufficient *salvo* from homologating the magistrate's encroachment; and that a joint refusal of the favour proposed with such limitations, was the only method to preserve unity among presbyterians. Neither were the ministers who had freedom to fall in with the indulgence, of one mind, as to all the expressions in Mr Cunningham's paper; and so it was laid aside. A considerable number of the ministers named, did enter into their churches where they had been formerly, and others upon a call, where the congregation was vacant, upon consent of the ministers in the bounds. And since all hope of joint testimony, against what was gravaminous, was lost, many did give it from pulpit at their first entry into their respective parishes; and declared they did not homo-

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and condition of parishes, it is altogether impracticable. All which things if it were not to shun tediousness, we would clearly make out; but that which at least may be palpable to all, is this, that as the whole draught involves us in a compliance with, or at least interpretative subjection to *Erastianism*, so the fifth and last rules, but especially the fifth, thrusts us under a direct and formal subjection and subordination to prelacy, contrary to our known and avowed judgment, and, we suppose, contrary to his majesty's design in the indulgence, which is to permit the presbyterians the exercise of their ministry, with a reservation of their principles, and freedom of their judgments, otherwise it can be no indulgence. And it is not a little grievous to us, that, by the fourth rule, the keys of our prisons should be put in our prelates' hands only, by which means, we being straitened by our principles for making application to the bishop for any such liberty, our confinement becomes in effect absolute and perpetual, and so attended with the greatest inconveniences that may befall a man either in his interests, or dearest relations, or greatest concerns in a world.

9. We shall not mention how this way is disrelished by the most part of serious professors, who understand their principles, and adhere to the pure government of the church of Christ in Scotland; but we may notice that the peremptory order and command, given to sheriffs and magistrates, to inquire how the ministers, confined and allowed to preach, do observe the rules, shows that the ministers who fail in the due and peremptory obedience to the foresaid rules, and other acts made anent outed and indulged ministers, will be undoubtedly censured according to their supposed demerits, in contravening the canons and former acts; and we, being straitened in our conscience to give obedience to these canons, judge it will be but a further provoking of the magistrate, prejudicial to the people, and not a little hurtful to ourselves, to step in, and, within a short time, to be thrust out again for our contravention.

Having thus, in my singleness of heart, and (we trust) without any just ground of offence, given this short and sober representation of some of the many grievances that straiten us in this matter, for removing whereof we must humbly supplicate, that the most honourable lords of his majesty's privy council, will be pleased simply to take off all former penal statutes and restraints put upon our persons and ministry, that we and all other our outed brethren may have access to our former charges, and other congregations, as the Lord shall grant the opportunity of a free call from the people, and that we may have free liberty to meet with our fellow-presbyters of our judgment, for the free exercise of discipline, and for trying and licensing qualified persons, and that our ministry may not be burdened with after-imposition in the matters of Christ, and we shall ever pray, &c.

1672. logate the Erastian power in the council's acts, or the ecclesiastical supremacy exercised by the king. Some of them, particularly Mr Wm. Weir, formerly minister at Linlithgow, and now in West-Calder, had libels formed against them, and fell under no small difficulties upon this account, as we may afterwards hear.

This is as fair a representation of matter of fact, as I could gather from the papers I have seen on both sides. And, upon the whole, I must, with regret, observe, that presbyterians, who before this had been very much of a piece, did now divide; and the scar of this wound is yet continuing among us. The gentry, and not a few of the most knowing in the west country, were glad that ministers had the freedom to fall in with this indulgence, that they might have the benefit of ordinances dispensed by them: yet considerable number of the common people, from different reasons and views, were not so much satisfied. Severals of them were taught to believe, and urge a position, in itself of most dangerous consequences, that it is unlawful to hear a minister who was guilty of failures in his entry upon ministerial work, or mistakes in his management of it. I wish the remains of this dangerous position may be entirely out from among us; but it was inculcate at first more privately, and in some years more publicly, till, as we shall hear, considerable numbers cast both at the doctrine and sacraments of the indulged. Upon the first indulgence, I have given a short view of the state of the arguments *pro* and *con.* upon this subject, and I do not love to rake among the ashes of this burning. In a word, such who fell in with this liberty now granted, said, it was undoubtedly lawful to enter into a place, and their work there, when iniquitously put from it, and their restraint was taken off: that they took the good in the liberty, and meddled not with the evil in it; against which they were most willing to have testified, but their brethren would not concur. The other side urged, there was more in the indulgence than a mere taking off of the restraint, that the acts doing so were highly Erastian, and the taking the benefit of them, and urging them (as in the case of people's paying of stipend) a practical approbation of them: that the removal of the restraint is only conditional, and a real bargain suspended upon their behaviour, and use making of the limitations, act second: that they could not join in a testimony where they were of opinion, at least as to their own practice, that the going into the acceptance of the indulgence was sinful. In short, they urged, that the divisions following upon their brethren's acceptance, would be more to the hurt of the common interest, than the exercise of their ministry could balance: and that in their opinion, the accepters would be to blame for the ill consequences, because a positive duty in many cases might be forborne without sin, but a thing sinful can never be gone into. These debates are at length enough handled in the History of Indulgence on the one side, and the Review of it, and Balm from Gilead upon the other.

Whatever disputes there were at this time among presbyterian ministers upon this head, and different sentiments, yet I cannot find that those that were in their judgment against accepting of the indulgence, did think the accepting of it any ground of separation: so far were they from this, that they heard them preach, wished them all success in their labours, preached with them as they had opportunity, and bare burden with them under all their pressures and difficulties. Some people, indeed, influenced by ministers in Holland, blamed the ministers, who had freedom to fall in with this liberty, for unfaithfulness, and acting unanswerably to their own light, in not preaching against the indulgence, and the ministers who accepted of it: but this did not trouble them much. They were persuaded every point of truth ought not to be brought to the pulpit at all times.* They considered there are sayings even disciples cannot bear: and though they themselves could not come up their brethren's length in point of practice, they saw no reason from this, publicly to stage and condemn them. If there was

* This is a view of the matter exceedingly convenient for a suffering time, and so agreeable to corrupt nature, as to require very little illustration.—*Ed.*

evil in what they had done, of which they would not further judge, than as far as concerned their own practice, they reckoned their refusal a sufficient evidence they were not concerned in it; and when they were at a point in those things, what could they propose to themselves in preaching against the indulgence, but the raising a flame? especially since they were persuaded it was duty in them and the people to join with their brethren, and whereunto they had attained to walk by the same rule, and mind the same things. Happy had it been for this poor church, if ministers and people under different practices had remained united, and had kept by their first ways: but in some years matters altered very much, and people who ought to have been learners, set up for teachers, yea, they turned managers and directors to ministers; and ere all was done, some of them offered rules and prescriptions, even as to the matter, subjects, and the very text they would have preached upon. At the beginning, their attempts this way were neglected, and ministers pitied them, considering the darkness and difficulty of the times, but they would not encourage them in the least. Afterwards indeed, when love cooled among ministers, and parties came to some greater heights, some few ministers, as may be afterwards noticed, fell in with these people, and acted entirely under their direction; and then the flame broke out terribly. So much for this second indulgence; the occasional effects of it, and the difficulties attending it, will fall in in the progress of this book.

CHAP. VIII.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS DURING THE YEAR 1673.

1673. THE persecution of presbyterians for some years now runs much in the former channel; the difficulties of ministers and people continue on the account of conventicles, and the hardships of the ministers who accepted of the second indulgence, were not small. I shall not then subdivide this year, but take a view of the most considerable hardships presbyterians fell under, in the order of time, as much as I can reach it, and at the close I shall 1673. hint at a few particulars, which come not in upon those generals. The thread of the managers' procedure against ministers indulged and not indulged, and conventicles, is so mixed, that I shall not essay to separate them; only the treatment of some particular ministers may be considered, after I have gone over the more general accounts.

This second indulgence, as, for a season, it was attended with no small difficulties to such as accepted of it, so it was followed with harsh enough treatment of the rest of the outed ministers, who could not involve themselves in what appeared dubious to them. Lauderdale took it very ill, that all the ministers who were confined, and, as appeared to them, imprisoned in the parishes formerly specified, did not obey and cheerfully accept. But these worthy men durst not bind up themselves in their Master's work, and were in no great difficulty to determine themselves whether they should obey God or man.

When duke Hamilton came into Edinburgh in the beginning of this year, the council were fond to know the success of their indulgence in the west. It is said, the duke give it as his opinion, that had the liberty been generally gone into by presbyterian ministers, it would have gone far to have quieted the country entirely: but he represented that there was a considerable party who did oppose it, and so he doubted much if it would answer its end: and he named some ministers, whom he termed sticklers against it, as Messrs Moncrief, Campbell, Fleming, Kirkton, and others we shall presently meet with. Whereupon the council resolved to force them to their confinements.*

All the outed ministers in Edinburgh, March 7th, are by the council ordered to

* This was an evil that necessarily flowed from the indulgence, and it showed great want of consideration in those who took it, and were doubtful of the propriety of doing so, as many of them were, that they overlooked this very momentous circumstance, and thus became instrumental in forwarding the afflictions of their more conscientious brethren.—*Ed.*

1673. leave the town, and to remove at the distance of five miles round it; unless they presently give bond not to keep conventicles. This the managers well knew, was equal to a banishing them the town and five miles round it. March 12th, the council came to be a little more severe: former citations had been given, and that day the most part of the outed ministers, who had not entered their confinement, were called before the council. There compeared Mr George Wauch, Mr Robert Young, Mr James Kirkton, Mr James Donaldson, Mr Robert Lockhart, Mr Matthew M'Kail, Mr Patrick Anderson, Mr Alexander Barton, Mr James Hamilton, and Mr William Thomson. They were challenged for not entering their confinements in September last. Some gave one reason, some another, according to their different circumstances. The council took a general order with them all; and considering that the weather was ill, and the roads bad at this time, appoint them to enter their confinements by the first of June, under the pain of being apprehended as despisers of his majesty's authority; and give orders to the king's forces, the sheriffs, and all magistrates, to seize them wherever they can be found, if so be they obey not this appointment The absents, who when called did not compear, were Messrs Robert Maxwell, John Law, William Weir, Andrew Morton, James Walkinshaw, Alexander Jamieson, James Wallace. Excuses were made for some of them, and the diet of all the absents continued. Such who were present generally thanked the council, when called in, for the time allowed them to consider upon this affair until June 1st, and promised to advise the matter with all seriousness. One of them differed a little from the rest in his circumstances, and his carriage before the council made some noise. This was Mr Robert Young, a very worthy minister in Perthshire, who had been very imperiously turned out by bishop Sharp. When he came in before the council, he complained he had been most iniquitously turned out of his charge by bishop Sharp. The bishop had taken upon him to depose Mr Young by a sentence passed in his own chamber, one minister only being with him there, and whether his consent was asked or given the complainer did not know. From this sentence Mr Young appealed to the privy council, and begged their lordships would consider the wrong done him; and required the bishop who was present, being in this affair a party, might be removed when this cause was discussed. The bishop rose up, and alleged, Mr Young had been orderly and justly deposed by him and the synod of Fife. Mr Young offered upon his peril to prove by the date of the sentence, that he was deposed before the synod met; and if the bishop had caused insert his illegal sentence, after it was passed, in the records of the synod, that was what he could not help. Mr Young was removed a little, and when called in, the chancellor signified to him, that it was the council's pleasure, he should go to his confinement against the 1st of June. He answered, he was sorry such a sentence was passed upon him, for no other reason but their pleasure, and humbly protested, that it might not prejudge him of reparation from the wrong done to him by the bishop; and further protested, that his obedience to the council's pleasure should not involve him in any approbation of the complex act of indulgence.

While the ministers are thus dealt with, further to balance the indulgence, and gratify the prelates, April 2d, the council emit another proclamation against conventicles, which is annexed, in a note.* The rigour

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* *Proclamation against conventicles, April 2d, 1673.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to macers, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute greeting: forasmuch as by several laws and acts of parliament, and specially by the 5th act of the 2d session of this current parliament, all unwarrantable meetings and conventicles, either in houses or in the fields, upon pretence of religion and religious exercises, are prohibited and discharged, under certain great pains and penalties; which act hitherto hath not received that obedience which was due thereunto, in regard the lords of our privy council, the sheriffs of shires, and other judges to whom the execution thereof is committed, have not had that information from the heritors, in whose bounds these conventicles were kept, and others, which was necessary, that the persons guilty might be proceeded against according to law: and seeing we

of it is plain enough without remarks. The blame of the nonexecution of the former acts against presbyterians, is laid upon heritors not giving information against conventicles, which I suppose many did not reckon themselves obliged to do. To convince them of what the council makes to be their duty, they declare, the execution of the 5th act of the last session of parliament, is of great concernment to religion. Thus, "the days are come when the disciples must be put out of the synagogues, yea, when whosoever killeth them thinketh he doth God good service; and these things are done, because they knew neither the Father nor the Son." Further, the council declare it to be the duty of all good subjects to endeavour to bear down conventicles. This involves informers, and all active concurrers for the prosecution of this act, in an approbation of what the council do. All heritors, wadsetters, and liferenters, are required to inform the council, or their underworkers, of the persons present at, and circumstances of the conventicle which shall be kept on their lands: and if they do it not within three days after it comes to their knowledge, they are to be fined in the fourth part of their yearly rent for each conventicle not delated: and the sheriffs have one-third part of the fine for their hire; and the informer against the 1673.

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are fully resolved to use all possible means for making the said effectual, being of great concernment to religion, and the peace of this church and kingdom: and it being the duty of all our good subjects, not only to give obedience to our laws, by their own peaceable and orderly deportment, but likewise in these places where they have power and interest, to use their endeavours for preventing and suppressing such unwarrantable and disorderly practices, as conventicles are, being so far contrary to law, and destructive of the public peace; and in order thereto to give timous notice of any such meetings kept within their bounds, when the same comes to their knowledge. Our will is herefore, and we charge you straitly and command, that, incontinent these our letters seen, ye pass, and in our name and authority command and charge all heritors, liferenters, and proper wadsetters of lands in this kingdom, to be careful that no house or field conventicle, upon pretence of or for religious exercise or worship, be kept within the bounds of the respective lands belonging to them; and in case any shall be kept in any part of their lands, so soon as they shall have notice thereof, that they immediately give information of the same, of the persons present thereat, and other circumstances thereof, so far as consists in their knowledge, to one of our privy counsellors, or to the sheriff of the shire, stewart of the stewartry, lord or bailie of the regality or royalty, or their deputes, within whose jurisdiction the lands or houses where the conventicle was kept, do lie; certifying such heritors, and others foresaid, who shall know of any conventicles kept upon any part of their lands, or in any houses therein, and shall not discover the same, and what they know thereof, to the sheriffs and other magistrates aforesaid, or their deputes, within the space of three days after the same comes to their knowledge, that they shall be fined for each conventicle not delated by them, in the fourth part of the yearly valued rent of the whole lands belonging to them in heritage, liferent, or proper wadset, within the shire where the conventicle shall be kept: and we do hereby strictly require the sheriffs of sheriffdoms, stewarts of stewartries, lords and bailies of regalities or royalties, and their deputes, upon delation made of conventicles by the heritors, or information given by any other persons thereanent, to proceed to the trial thereof, and to put the foresaid act of parliament to due and vigorous execution. And we do hereby authorize and require the sheriffs and other magistrates foresaid and their deputes, to call before them such heritors, liferenters, and proper wadsetters, who shall know of any conventicles kept in their lands, and shall not discover the same within the space foresaid, and (their knowledge thereof being proven either by their own oaths, or other legal probation,) to inflict upon them the foresaid fine, whereof one third part to be applied for the use of the said judges, another third part to the person who shall give information concerning these heritors, and a third part thereof to be uplifted for our use. And it is hereby declared, that if the said sheriffs, and other judges foresaid, and their deputes, shall be remiss and negligent in performance of their duty in the premises, they shall be called before our privy council, and severely punished. And it is hereby declared, that as for any conventicles that shall happen to be kept within burghs royal, the magistrates of the burghs shall be liable to such fines for every such conventicle, as our council shall think fit to impose, and that the master or mistress of the house where the conventicle shall be kept, and the persons present thereat, shall relieve the magistrates, as our council shall order the same, conform to the foresaid 5th act of the 2d session of this present parliament, entitled "act against conventicles." And we ordain these presents to be printed, and published at the market-cross of Edinburgh, and at the market-crosses of the head-burghs of the several shires; and that likewise the sheriffs and other magistrates foresaid, and their deputes, cause intimate the same at the several parish churches within their respective jurisdictions, that none pretend ignorance. The which to do, we commit to you, conjunctly and severally, our full power, by thir our letters, delivering them by you duly execute, and indorsed again to the bearer.

Given under our signet at Edinburgh, the second day of April, and of our reign the 25th year, 1673.

AL. GIBSON, *Cl. secr. Concilii.*

God save the king.

1673. heritor who *did* not inform, is to have another third part. In this act there are hardships in abundance, and a foundation laid for terrible oppression, debauching the country with oaths, and many other evils.

A letter from the king, dated April 29th, is read in council, May 7th, wherein he acquaints them, that the states of the United Provinces now at war with him, have designs on foot to raise troubles in Scotland; and therefore he requires them to suppress conventicles, and secure the west country. What ground there was to suspect such who frequented conventicles, or the west country, of any design of this nature, I cannot learn. None of the king's subjects were more loyal, and better affected to his government, than they were; only they could not comply with any thing contrary to their conscience, and reformation rights: but I am apt to think, this *innuendo* came mostly from Scotland, and was sent up to court by the enemies of presbyterians, as many gross calumnies and lies were in this period. The council, in obedience to the king's desires, write letters to the duke of Hamilton, the earls of Eglinton and Cassils, ordering them to inquire into conventicles in the west country, and send accounts of them to Edinburgh; and particularly, that they inform themselves what disaffected persons reside among them.

When the 29th of May came about this year, new matter offered to the bishops for their appearing in council against presbyterian ministers. None of the indulged observed this anniversary. Some few indeed preached that day, such as Mr John Spalding, Mr John Wallace, Mr William Maitland; but it came about only by their week-day's sermon happening upon it. And though they preached, yet nothing was mentioned relative to the solemnity of that day. June 12th, I find the council order letters to be directed against ministers indulged, in the shire of Ayr, Lanark, and Kirkcudbright, who have not kept the 29th of May. Accordingly, the most part of them compeared in the beginning of July. I shall just now take notice of their treatment, if once I had noticed a letter which comes this day to the council, which had no small influence on the rest of the year. How this letter was procured, and upon what views it was sent, will best appear from the contents of it. Lauderdale was lately gone up to London, and within a little after his arrival, this letter comes, dated Whitehall, May 31st, and I insert it here:

"Charles R. Right trusty, &c. We are informed by our commissioner, at his return thither, of the way agreed upon by you, for disposing a number of the outed ministers to certain churches in the west, and being well satisfied with it, it is our pleasure it be prosecuted; and that all such of these ministers who have hitherto delayed to give obedience to it, be forthwith cited to appear before you, and required to repair to the said respective parishes, and to abide confined there, with liberty to preach in those parish kirks, and of receiving their share of the stipends thereto belonging, conform to the said act.

"And if any of them shall be still unwilling to accept of that favour on the terms upon which it is granted, you shall not at all press them to it; but instead of that, you shall require them either to give sufficient assurance of their forbearing conventicles, and going to church, and their peaceable and orderly behaviour in the places where they reside, or that they will choose for themselves, each of them, any one of those parishes, within the diocese of Glasgow, which are contained either in the former or latter acts of indulgence, for the place of their abode and confinement, with liberty of preaching in any of the respective parishes; and if they will not choose for themselves, that then you choose for them, and appoint to each of them some one of these parishes for their residence and confinement, as you shall think fit; requiring them positively to repair to one of these parishes within a certain day, under the pain of a more severe restraint, which we require you to inflict.

"You shall likewise summon before you all the outed ministers, to whom no particular parishes were assigned by the late act; and command them in the same manner, either to give assurance of their orderly living where they are, or to choose each of

them, one of the same parishes where they may abide under confinement, or else go to such as you shall choose for them, under the same penalties.

"And because we are informed, that some of them are displeased forsooth with the late indulgence, you shall secure them from the fear of any more of that kind; and let them know, that if, after all the lenity used towards them, they shall still continue refractory and untractable, we will employ our utmost power for the securing the peace of the church and kingdom, from their seditious practices.

"And for preserving peace and order within the diocese of Glasgow, we do hereby require and authorize you to give a commission to the duke of Hamilton, earl of Linlithgow, earl of Dumfries, earl of Dundonald, and president, or any two of them, with full power to them to put in execution the laws and acts of council made anent church affairs; and to make constant inquiry from time to time, concerning whatsomever disorders have been, or may be, committed in any parish within the said diocese, whether planted with regular ministers, or supplied by the indulgence, punishing delinquents of all sorts according to law; and to call to an account sheriffs, bailies of regalities, and bailiaries, justices of peace, and magistrates of towns, within the said diocese, who have been or shall be negligent in executing the power given them by law against conventicles, deserting of kirks, irregular baptisms and marriages, and other disorders of that kind; with power likewise to them to give such orders to our guards of horse and foot, quartered in those parts, as they judge necessary, for executing the said commission, and the peace of the country: and this power to be given to the said lords, with a sufficient allowance out of our revenue for a clerk, and other servants, and incidental charges, as they shall find necessary; and you are to call for a particular account of their diligence from time to time, and transmit to us."

Upon reading of this letter, the council send letters to the noblemen named in it, to come into Edinburgh. But I find it did not please all the members, especially the last article of it; and so a demur is made, and it is toward the end of July before the council make a return to the king upon these subjects. I shall therefore take in here the prosecution of the indulged for their not keeping the 29th of May, with the consequents of this, being in order of time, before the council's return to this letter. 1673.

According to the citation given to the ministers who had accepted the indulgence, many of them compeared, July 3d. The bishops did most violently appear against them in council. Being interrogate by the chancellor, if they had kept the anniversary appointed by the act of parliament, all of them acknowledged they had not kept it, and some of them gave one reason of their practice, some another. Being next questioned, what they would do in time to come; they answered, as they had concerted, that they had no freedom in their conscience to keep any anniversary holydays of human institution. They granted that some things in the act of parliament were softened, and the word holyday taken out; yet still they were of opinion the thing remained. A day was fixed annually for divine service, the kind of worship was determined, and cessation from labour required: so that to them, the day which before was appointed to be a holyday by the first act of parliament, was still the same, though the word was omitted; and they could not, without going counter to their own light, observe it. While they were before the council, a most unhappy incident fell in, which brought the indulged ministers to a great difficulty, and one of them to his grave. This being much insisted upon both by the enemies of the presbyterians, and some among themselves who were dissatisfied with the indulgence, it is necessary to give some account of it, from the papers come to my hands.

With the most part of the ministers who came before them, the council only insisted upon their keeping the 29th of May. Yet, upon what reasons I know not, one or two of them when called in, were interrogated

1673. concerning their baptizing children in the parishes of conformists, without testimonials; and, in a word, whether they had kept the council's instructions sent them with their acts of indulgence. Being cited before the council, only upon the keeping of the anniversary, they had no concert as to this; and one of them who had not got his instructions sent him, when interrogated, answered, he had not seen the instructions the chancellor spoke of. This brought them all upon the lock. The chancellor told him, that had been a neglect, and they should all see them, and called them in, and ordered them all to attend the council on the 8th day of July, that they might hear their sentence for not keeping the anniversary, and that such who wanted might get copies of the council's instructions. During the interval, the ministers met frequently among themselves, to consult what to do when their instructions came to be read and offered to them. The most part were for a paper by way of a testimony, declaring their sense of those encroachments they were brought under, in the best terms they could fall upon. This was drawn, read, and reasoned upon at full length. In the issue, they came to put it to the vote, whether it should be signed and presented in all their names, or only made use of as a pattern and directory, according to which each of them should express themselves when before the council; or according to which, one, in name of the rest, should deliver the mind of the whole? Mr George Hutchison and some others were peremptorily against subscribing the paper, and the plurality were for signing and presenting it in their names: yet when they considered the necessity of unity in this matter, and that if they were not of one mind, it would do more hurt than good, they came all into this, to use it as a directory; and it was laid upon Mr Hutchison to speak in name of the rest, in case the instructions were presented at the council-board to them.

Upon the 8th of July, the ministers appeared again before the council; and a decreet passes against Messrs John Crawford, Anthony Murray, John Hamilton, Peter Kid, John Oliphant, James Currie, John Lawder, James Hutchison, John Stirling, John Baird, William Eccles, Andrew Dalrymple, John Hutchison, Robert Miller, George Ramsay, George Hutchison, Ralph Rogers, John Bell, William Tullidaff, fining them in the loss of half their stipend, for the year and crop 1673, for their not keeping the 29th of May. The lords, "finding that some of the allowed ministers want the council's instructions, appoint them to be delivered *coram* to them, that none pretend ignorance." The method of this was, the roll of the ministers was gone through, every one called as they lay in order, and asked if he had a copy of his instructions: if he had, he was dismissed; if not, the clerk delivered him a copy. It happened Mr George Hutchison's name was towards the end of the roll, and he not offering to speak what was agreed upon, till his name should be called, some of the brethren, before him in the roll, began to question whether he would speak, and resolved to speak for themselves. Mr Alexander Blair, minister of Galston, was the first who spoke; and when the clerk delivered him the paper, said, "My lord chancellor, I cannot be so uncivil as to refuse a paper offered me by your lordships, but I can receive no instructions from you, for regulating the exercise of my ministry; for if I should receive instructions from you, I should be your ambassador." The chancellor took this heinously ill, and falling into a great passion, ordered one of the macers to keep Mr Blair, for he spoke insolently. Mr Blair offered to explain himself, but was not permitted. When Mr Hutchison was called in the roll, he spoke some things to qualify what Mr Blair had said, and discoursed "of the difference between the civil and church government, and their different powers, formal and objective, intrinsic and extrinsic." What he delivered, passed without any censure. All the ministers were dismissed save Mr Blair. The council register as to him bears, "Mr Alexander Blair at Galston, having publicly disowned the king and council's power and authority, in giving

him instructions, the lords ordain him immediately to be carried to the tolbooth of Edinburgh, there to remain till further orders." Accordingly he was made close prisoner till December. Upon the 4th of September he petitioned the council, "desiring he might be liberate, and signified, that he was informed that they had blamed him for not giving them that deference he ought to have given them, and begged, that if he had mistaken in style and form, they might impute it to his being unaccustomed to speak before such a judicatory; but he could not recede from the matter he had spoken." This petition was rejected. In November, through his ill treatment in prison, he sickened; and December 4th, I find "Mr Alexander Blair allowed by the lords to go to a house in Edinburgh by reason of his sickness, upon caution given for him, under the penalty of 5000 merks, that he shall reenter in a month, and not keep conventicles." And January 8th, they prorogate his liberty another fortnight; and by that time, this excellent person died, in much joy, and full assurance of faith.

When Mr Blair was imprisoned, the rest of the ministers were deeply concerned about him; and, as I am informed, met, and appointed Mr Hutchison, and some with him, to go to the chancellor, and the other counsellors, and homologate what Mr Blair had said, and seek favour to him. They went accordingly. The chancellor pretended, it was not the matter so much as the manner of his speaking had irritate them. However Mr Blair was still kept in prison. Mr Hutchison was blamed for not speaking at first what had been concerted. He alleged that it was not proper for him to speak till he was called upon. It is plain their measures were broke, and they in some confusion. The ministers were reflected on in papers handed about at this time, under the titles of "Informations." The reader will find an abstract of them, "History of the Indulgence," pp. 52, 53. Upon the other hand, the brethren who fell in with the indulgence, and Mr Hutchison in particular, were vindicated in a paper called, "A True Narrative," which not being in print, I have annexed it in a note.* As I take it, this is the account which the author of the "History of the Indulgence" makes remarks upon, 1673.

* *A true narrative concerning the carriage of some ministers who appeared before the council in July last, written in answer to a friend who desired to be informed about that affair, and what truth and falsehood was in that paper scattered up and down among people concerning the same.*

Sir, I do very kindly thank you for the news you sent me of these papers scattered up and down, concerning the proceedings of the brethren, who appeared before the council in July last, and for that copy of one of them, though yet I must confess that the subject matter is sad, and will be sad to those who are chiefly reflected upon in that paper, not so much (I suppose in charity) upon their own account (whom I have known for many years with serenity, to endure through grace such assaults,) as upon the account of this poor church, and remnant in it, who are broken with breach upon breach, till they are become a contemptible insignificant company to their very enemies, and put out of a capacity (if sovereign grace prevent it not) to improve a mercy, were it put in their hands: but I forbear to insist upon this subject, which is one of the saddest prognostics we do groan under in the times that pass over us; and, (in compliance with your desire, who may command me in more than this,) I shall offer you a brief narrative of that affair, yet with an eye to the mistakes in the paper now sent me, the author whereof seems (I shall not say upon any malicious design, and intentionally) to misrepresent the brethren, and that he hath taken his information at some second hand, which kind of relations are seldom just.

It is true, that upon Thursday, July 3d, a considerable number of ministers, who have obtained liberty from the magistrate to preach publicly, without hazard of that legal restraint under which they lay before, did appear (being cited) before the council, to answer for their not observing the 29th of May. It is not easy nor necessary to tell what was said to, or by every one of them; they being called in one by one: but this is certain, that all of them (except two or three, who were dismissed upon their declaring they had preached on that day only, because it fell to be their lecture day,) declaring they had not preached on that day, and did agree in substance upon this ground of their forbearance, that it did not flow from any disloyalty or disaffection to authority, but that they had no freedom to observe any solemn fixed anniversary for religious worship, beside the Lord's day. This harmony, in the conclusion, and in private conference about the way of giving in the answer, did open a refreshful door of hope, of more harmony, and a better understanding, till an incident which lay not in the way of the most of them, did breed very troublesome exercise. For after the brethren were removed, four of them were called in together upon particular summons, for baptizing of children of other congregations; to which, among other legal defences

1673. p. 58, &c. and the forementioned answers to that history, essay to remove: both being in print I say no more of it. Upon the whole, many at this time wished the ministers could have centred in a plain declaration against the encroachments made upon them, and they judged this was the season of it. Had it been

(whereof I can give no particular account,) they gave this answer, that these acts relating to that matter were never intimate to them; upon which they were told by my lord chancellor, that they should get them, and so they were removed; and all the brethren were cited by a macer at the council-door, to appear on Tuesday next. In the interval they did meet daily almost, to consult what they should do at their next appearance, in case these acts (called rules) should be intimate to them: a paper is produced by some appointed thereto, (which the writer of the information calls a testimony,) but it was only relative to the instructions or rules, with a touch of their reason, for the not observing the 29th of May, to which afterward was prefixed a pretty large introduction concerning Christ's power in and over his own church, and asserting the magistrate's just right about ecclesiastical affairs, as amply as any thing Mr Hutchison spake, and denied him no more when it was finished than he denied unto him.

The information tells this matter very succinctly, they resolve on a testimony, draw it up, &c., but had the informer been present, or (being present) resolved to deal candidly, he would have told his friends, that when that unqualified clause, that we would not receive from the magistrate any instructions to regulate us in the exercise of our ministry, was read in the first draught of the paper; it was upon Friday, Saturday, Monday, (I remember not if upon Tuesday on the forenoon also,) debated against by several of the brethren as an assertion, which being so generally and indistinctly expressed, would not hold water, nor be found agreeable with the word of God, or concessions even of our own orthodox and *anti-erastian* divines, concerning the magistrate's just right. The arguments *pro* and *contra*, together with the sliding of the debate from the general question, (which some suppose was determined in the concessions in the introductory part of the paper, wherein the magistrate's power objectively ecclesiastical is asserted) into a question concerning the magistrate's antecedent judgment, &c., here too tedious to repeat; nor is it needful, seeing, in conclusion, upon the motion of some other of the brethren, than those who debated against the unlimited assertion, the assertion was, with common consent, so far as could be discerned, thus qualified, that we could not receive from the magistrate instructions, formally and intrinsically ecclesiastical, to regulate us, &c., and *was* also transposed into a fitter place than it stood in the first draught. This paper thus drawn up, the information says, that they could not agree in the presenting of it, and so it was answered; thus he puts a wrong face upon the matter. The *res vere gesta* was this; the question being put concerning the paper, whether it should be made use of as a direction when they should be called to speak before the council, (as was made of another paper they drew concerning the 29th of May,) or if it should be subscribed by all, and given in as their answer and sense of these matters; the generality were indeed for the subscribing of it, others not, and so that resolution was laid aside. The reasons that prevailed with severals for forbearance of subscribing that paper, were these in part: *1mo.* That beside their own unclearness for it, there was one of their number withdrawn from their meeting since the Thursday, about some necessary affairs, who had declared, that upon reasons ponderous to him, he was not free in his mind to subscribe any such paper at that time, and so they judge it not safe, but prejudicial to the cause and unity, to break bulk, and act in a divided way, when all were ready to concur in the matter, though they differed in the form and manner; and how inconvenient it was, that differences about the manner should be seen in public, when they were one upon the matter. *2do.* Had they been free to subscribe papers at that time, yet they could not look upon that paper, as it was hastily and crudely patched up, as beseeming so many ministers of the gospel, to give in to the states as their mature and formed thoughts, the introduction taking up near the half of the paper, and the rest concerning the instructions, being mostly huddled up under the name of grievances, and but a very little said to them particularly; and therefore the draught seeming so rude and so indigested, they were unwilling to present it, as that that was to be a standing thing for friends and foes at home and abroad, to descant upon for matter and manner. *3tio.* There being such a clashing among ministers and people, some being for utter refusal of any benefit of the late liberty, and others being free to make use of it, having given a testimony in their station, and that paper relating only to these instructions, and not to the whole cause, they could not but foresee that the giving in of that paper would be looked on as a testimony; and therefore being so defective, relating only to these instructions, and not speaking to other cases, it would raise greater debates and higher differences; and this they were confirmed in, when a brother coming in among them told them expressly, that testimony (as it was called) was defective, and would do more hurt than good, except it were fuller, yea, certified us upon *good* grounds, that if that paper had been given in, more tongues and pens had been awaked, and set on work against it, than now are against the forbearance of it: in which case, albeit I could have heartily wished a full, free, general, and unanimous testimony were given, yet I cannot see how their prudence can be blamed, for forbearing that which would certainly have ministered fuel to that fire, which is like (if mercy prevent it not) to consume this poor church, and may perhaps burn their fingers who are so eager to kindle and blow at it.

It is true (as the information tells) that thoughts of subscribing the paper *being* laid aside, it was resolved, that one should be mouth for the rest, to speak the sense of these impositions, in case they were intimate to them, hold-

given, probably this would have prevented much of the stumbling which fell in afterwards. These who were formerly averse from the indulgence, were confirmed, and by little and little in the succeeding years people began to withdraw, and some who were not unwilling to have accepted of the indulgence, if grievances 1673.

ing him to the matter agreed upon in the paper; and the man (so far as could be discerned in that haste, they being immediately to dissolve their meeting, and go to the council) was (by the plurality) agreed upon to be Mr Hutchison, on whom the informer, as he seems to bear but an ordinary kindness for the generality of these brethren, as the mocking close of this paper shows, so he seems to stretch far enough (to say no worse) to reach a particular blow unto him, and he falsely asserts, that all the brethren concluded, that he should be the man first called on, before any of them should be called to receive their instructions, and then adds, that in the mean time it is presumed, that he went to the president, and got himself the last man in that roll to be called upon. It is like Mr Hutchison will thank the informer for so much equity, that he insinuates, that he does not think he was bound to speak in that affair, till himself was called upon, while others did condemn him, that he did not speak at the very first, not considering, that besides this time of speaking was not determined to him by his brethren, but left to prudence, which dictated, his own name being called upon, whensoever it might be, to be God's opportunity, season, and called to speak what he had to say; the thing also itself, and the usual practice in the like cases, says it was the most fit time to speak to the cause, when all had been gone through, and then when he had spoken his light in the matter, the brethren (as he willed them to do when they named him) might add, diminish or alter as they thought fit, so that it is wondered that any quarrel him so highly for the time of speaking, which in all reason seemed not unfit, had not that sad accident fallen out that prevented and marred all. But as for the informer's presuming, that Mr Hutchison went to the president for the end above said, I wish he had given some show of probability for that presumption, lest he be guilty of taking up and spreading a false slander, and groundless reproach against his neighbour; for though I be no doter on Mr Hutchison, yet I must do him the justice to tell you upon good assurance, that he is not a little wronged in the rash and presumptuous allegance, yea, upon as certain information as men can have, I can tell you, that he dare not only refer to all the members of the honourable council, but, in humble sincerity, appeal to the highest tribunal, that he never solicited any for any particular favour to himself in that cause, whatever he did for others when their particular case required it, and who of all the brethren summoned, present, once dream, let be conclude, that he should be first called on, since all of them knew he was last on the roll, or at least near the last, and had been called on in that order in the Thursday, it being so (in Providence) ordered by reason of the messenger's return of his executions, or of the clerk's writing up the return of the executions, or some such providential occasion, so that there was no need of Mr Hutchison's soliciting to be last that day in the roll, nor any ground to expect that he should be among the first; and if it had been otherwise, yet sure I am, he could have had no occasion to speak to any statesman at that time, for that or any other purpose, he being named by the brethren to that employment, only at their last meeting, which was immediately before their appearance, and going with his brethren forthwith to the council, and was never out of their company till they were called in one by one, till they were all together before the council.

They thus appearing upon the Thursday, their sentence, for not preaching the 29th of May, was read unto them; after the reading whereof Mr Hutchison, addressing his speech to my lord chancellor, did declare, that his brethren and he did very cheerfully submit to any outward prejudice they might sustain in following their light, yet humbly desiring, that the true state of their case might be remembered by their lordships, and that they were brought under that sentence, not upon the account of any disloyalty to authority, but upon a scruple of conscience concerning that particular way of expressing it; withal, not knowing whether these instructions were to be presented, but rather to obviate them, he added another desire, that their lordships would be pleased not to burden them with impositions in the matter of their ministry, wherein they were the servants of Christ, and they being men who demeaned themselves as became loyal subjects. They being (as they thought) dismissed, the chancellor forthwith called them again, as they were turning their faces to the door, and told them, that seeing some of their number had said these papers were not given them, that the clerk was now to give every one of them a copy, which accordingly he went about to do. But the information which you sent me is so brief in this, and seems only to design a reflection upon some, if not the most part of these ministers, I judge myself obliged to rectify his mistakes, and prevent your being abused by it, by a more exact account of it. I confess, he saith truth when he declares, that near half of the brethren, (if not more) viz. all the brethren cited out of Clydesdale, Renfrew, and some of Kyle, were spoken to, and received their paper, (if they had not gotten them before,) or ever Mr Alexander Blair his turn came; and I believe they were a few number (if any at all) of those behind him, that resolved to speak any thing till Mr Hutchison's turn should come, and he begin, as they had agreed upon, Mr Alexander Blair consenting thereunto as well as they, if Mr Alexander Blair his speaking had not drawn some of those who had been spoken to before, and others as they were called to thereafter, to speak somewhat; but all stood still in one body, waiting till it should come to Mr Hutchison, who was to be their common mouth to speak their mind, and they to homologate, add, or alter, as they should think fit. As for that reverend brother Mr Alexander Blair, his speaking, (as I hope in charity,) his motive was zeal and forwardness, so I wish heartily it had been forborne till its due season, for *hinc illæ lachrymæ*, "untimous spurring spills the speed;" and the rather I wish he had not first filled the

1673. had been presented for the preservation of ministers' liberty, turned stiff against falling in with it, and many uncharitable censures were passed upon the accepters; though it behoved to be owned that ordinances dispensed by them were blessed to multitudes.* And to give all the persecution, for not observing the anni-

field, because that lax assertion, of which I told you before, of receiving the instructions from the magistrate, &c. (albeit it had been qualified and limited by common consent,) yet he, I know not how, repeated it to the chancellor *in terminis*, telling, that he would not receive instructions from them for regulating him in the exercise of his ministry, and added this reason, that if he did so, he should not be Christ's ambassador, but theirs; which reason, if it do not as strongly militate against ministers receiving of instructions and rules (for the prescriptions in that paper get both these names) from church judicatories, as well as from the civil, and strike equally at the diatactic power of both, I leave it to you to judge. After this and some speeches betwixt my lord chancellor and him, (which I remit as not relating to the cause, though yet he confessed the council might confine him, which was one of these rules, and so overturns his own universal negative,) he was committed to a macer till the rest should be called upon. The brethren being surprised with his speaking unexpectedly, (beside the common agreement,) and with the assertion that dropped from him, and affected with the apprehensions of the said issue, began to be much afflicted in their spirits.

The author of the information huddleth up the matter so, as if there had been nothing spoken before the council anent these papers, except by Mr Alexander Blair, till Mr Hutchison was called upon last of all, but I must help his memory a little, by telling you, that upon Mr Alexander Blair's commitment to the macer, one minister told my lord chancellor, that he believed divers ministers of that company were upon the matter, of Mr Alexander Blair's judgment, whereof himself was one; another declared, that one of these rules did bring ministers into direct subjection to prelacy: Mr Hutchison also thought his time was not come to speak, yet stept in with them, to see what he could do to remove mistakes, whose speech did not contain any thing of acknowledgment of ministers' liberty to preach, nor yet did meddle only with the magistrate's right in the church matters, as the information bears, but he spoke according to the tenor of the paper agreed upon to that purpose. He humbly desired their lordships not to misunderstand his brother Mr Alexander Blair, as for rules intrinsically ecclesiastical, (I suppose the present jumble occasioned the forgetting of the other term *formally*,) for regulating ministers in the exercise of their ministry, he hoped their lordships intended not to impose any such upon them, who were the servants of Christ, in those matters, but for the magistrate's power objectively ecclesiastical, whereby they might judge of matters of religion, in order to their own act, whether they would approve or not of any such a way, he knew no reformed divine that denied it to them, judging that was his brother's sense in what he spake, did again desire he might not be mistaken. After Mr Hutchison had spoken this, some, who narrowly marked it, do positively assert, that Mr Blair was offering to speak somewhat, but was interrupted by a macer who took him by the arm and hindered him: it is judged, he purposed to declare his assent to Mr Hutchison's declaration, as a commentary of his words, partly because he had assented to the same, as an explication of that general assertion in the meeting with his brethren, and partly because two of the brethren who visited him in prison ere they came out of the town, do declare, that he did declare unto them, he meant no other thing than what they had agreed upon in that paper, albeit he happened to express it otherwise; but I being uncertain whether himself will own any such thing, I leave it in suspense whether or what he intended to speak, albeit ever since I am informed by persons worthy of credit that spoke with him since, that he continues of the same mind. I do not remember of any thing spoken by the rest of the brethren, who were called after this, (except one that told, he could not receive any ecclesiastical canons from their lordships,) but as for civil significations of their pleasures under the hazard of civil penalties, he would say nothing to that; which speech another, when called, did homologate. At last, when it came to Mr Hutchison, who did not (as the informer tells) receive any of these instructions publicly, as having seen them before, but spake a second time, resuming what he had spoken formerly, concerning a formal ecclesiastical power, which could not be allowed to the magistrates, and a power objectively ecclesiastical, which was allowed to him, intimating that the brethren would either observe, or not observe their directions, according as they judged of them in their consciences, upon their peril. Unto which my lord chancellor answered (as he had also done before,) that the king gave them these instructions by his council, and if they did not observe them, the council would punish them. Mr Hutchison answered, that for the matter of civil punishment, they had never denied the magistrate's right in them, and that he took notice from that answer, their lordships acted in a civil way, only competent to them in this their dealing with ministers, which they could not decline, hoping their lordships designed not to stretch their power beyond their civil line. After this they were dismissed, and Mr Blair (being removed a little with the macer) was thereafter committed to prison.

* This is an argument, or rather a sophism, of which Mr Wodrow seems to have been greatly enamoured, for he presses it on all occasions into his service, though it really proves nothing. It cannot indeed be uttered with consistency by any person who does not, like the papists, confine salvation to his own sect. The law and the testimony is the rule of Christian duty, not the providential or gracious dealings of God, which we can never certainly know. If no church or church party is to be separated from, till we are certain that there is among them no exercise of saving mercy, the reformation itself was a very wicked and unwarrantable thing.—*Edit.*

versary, together, July 10th, Messrs John M'Michen at Dalry, John Semple at Carsphairn, John Cant at Kells, were fined as above. And, July last, upon the same account, and in the same manner, the council fine Messrs John Scot at Oxnam, James Fletcher at Newthery, and Robert Mowat at Herriot. 1673.

I have now at your desire given you an account of that affair, wherein, I assure you, I have made conscience not to make lies my refuge, nor (which at least hath been the way of this informer, whose information he sent me,) have I taken stories upon trust to use or to serve any design of mine own. As for what he narrates of what followed upon all this, I can say the less to it, that I was not privy to many of these things whereof he gives an account, yet I shall offer to speak my thoughts concerning what he saith of several parties. That the honest people of Edinburgh were alarmed (I shall add, afflicted,) with Mr Blair's imprisonment, was unquestionably their duty, and a duty wherein these ministers (whom this informer would reproach) did heartily join with them, and did also lay forth themselves to the utmost for his deliverance from that trouble; but I can say from certain knowledge, that not all nor most of the honest people in Edinburgh did judge of the brethren's carriage, as this informer did characterize them; and for others either there or elsewhere, who (being prepossessed by such informers as this or otherwise biassed) do so judge of them, I wish they may be more busy at home and within doors (which I speak not without ground as to divers,) before they be so much abroad about others, that they may pray and repent more, which will lead them to censure these men less, who are engaged in that same common cause with them, and are sincerely for God, and designing nothing in their way but to promote his kingdom, and want not his approbation in their way and work, and that they may search and examine matters narrowly, what they say, and whereof they affirm, before they give out their definite rigid sentences against honest ministers; for they cannot but see that these ministers are reaping none of the visible encouragements of the time to bias them, but are looked down upon as others are, and their liberty to preach is attended with so many tossings and disadvantages, that did they consult their own ease, and were not refreshed with the simple liberty to preach the gospel publicly, so long as they can do it without sin, it were their outward advantage many ways to lay it aside: they cannot also but consider, that though these ministers do dearly love and respect them, and so cannot but be sorely grieved when mistakes arise, yet being men led by a principle of conscience in what they do, or may be called to suffer, and being bound to maintain the credit of their cause by just and rational means, to the conviction of their adversaries, they cannot in those matters spread their sails to every gust of people's inclinations, were they otherwise never so dear to them, nor dare they cross their own light, nor wrong their cause, to gratify their dearest friends, who, by reason of prejudices, misinformations and other causes, may mistake their proceedings; and therefore good people should beware lest Satan have an hand in all this, and get advantage of them, to learn them to stumble and cast off their faithful watchmen by piecemeal, first some, then more (as he will not be wanting to create prejudices enow when once that humour is aloft,) till at last they cast off all of them, and turn wild. That a minister indulged, but not yet entered among them, should have spoken as this informer narrates, I can neither affirm nor deny, not having heard it. This I know indeed, that more than one in that condition spoke somewhat not very edifying, which yet I will not trouble you with, since I know that a man in heat and pang of passion and temptation, may speak that which love ought to cover, and which themselves in cold blood will not justify; that the two ministers that were concerned in that affair (as this informer saith) motioned that one of them did highly resent their treachery, and wrote that he would not return to his charge, but would tear his license if he had it; that others of them did wish that he had not accepted of the indulgence; and all of them did hang their heads for shame, till at last they conclude to take the odium off themselves, and to prevent the people's stumbling, by spreading a report concerning the fulness of their testimony, equal to that of Mr Blair's, the incivility of his delivering it being expected. These are stories *ad faciendum populum*, to make out at his leisure. I know the brethren were generally dissatisfied with what had fallen forth, and some did desire a new address to be made in writing to the council, when others thought it too late, and did also gather together what had been spoken by any one before the council; and sure had this informer consulted these notes, his misrepresentation might have been prevented, nor do I know of any other reports spread by the brethren in the country; but that men do tell simply *rem gestam*, the true story (as here I have done to you), when put to it, to vindicate themselves against calumnies, forgeries, misconstruction, and misreports, raised by such as this informer is, which I think is a duty to which they are bound by the ninth command; and for that brother, who, he says, wrote to his people, that he would return to them no more, but would tear his license if he had it, his regress and fixing in a settled way in the exercise of his ministry among them, doth plainly declare, that either this information is slanderous in this, or that the brother spake it in his haste, and finds no ground in his conscience to bide at it.

But being wearied with being an historian, and of wiping off the dirt cast on brethren's innocent proceedings, who, in the integrity of their heart, studied to approve themselves to God and man, so far as human frailty would permit, I hope ye will allow me, in the close, to speak a little to the ground of all this clamour, which is Mr Hutchison's speech, in name of all the rest, to which little was added by any. In it you may perceive an assertion of an ecclesiastic power, to make rules for regulating ministers, which was not yielded to the magistrate, with a concession of his power objectively ecclesiastical, and a declaration of their receiving papers from him under that notion, did not oblige them to observe these directions, but they were to do

1673. It is time now to return to the king's letter, anent the outed ministers and conventicles, above mentioned; and I have already observed, that it met not with that ready entertainment at the council board, usually given to his majesty's letters. The secret springs of this I shall not dip into: it is probable, neither the former nor latter part of it, was very agreeable to the bishops' designs against presbyterians in the south and west; neither did the nomination of persons to whom so considerable a power was committed, satisfy all. But I restrict myself to matter of fact, as far as it hath offered to me in the registers.

June 26th, a draught of a commission is brought in before the council, to duke Hamilton and the rest named: some difficulties are raised upon the draught, and a letter writ to the king, representing some inconveniences which offered themselves, as to the council's falling in with some parts of the king's letter. Upon the 1st of July, this matter is a little further delayed, the managers, I suppose, waiting for returns

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therein upon their peril. In all this, I can see no such heterodoxy or novelty, as to give occasion to the informer's reflecting remark, that Mr Hutchison gives to them all that the godly divines give to the most godly and reforming magistrates on earth, or that ministers receiving these papers upon these terms, should warrant honest people to think that they gave up the right of the church with their own hand, to the civil magistrate, or that any ministers should highly resent their treachery, as he tells the story. I shall not inquire how agreeably he speaks to the paper that the brethren agreed on for directory, since, it seems, the informer's design seems to reflect upon the generality of them. But whoso will read our anti-erastian writers, will find that they yield to the magistrate as a magistrate, (and consequently to all magistrates be what they will, good or bad, though upon his peril, and as he shall answer to God for it, if he determine wrong,) a public, politic, definitive judgment concerning matters of religion, in reference to his own act about them, or (for they diversify the phrase) a power of judging his own act about spiritual or religious things, to be observed or not observed by their subjects; and to make out this, to name no others, you may take one of unquestionable authority in this church, the author of CXI. Propositions, who, in his Thesis or Proposition 9th, hath these express words: "As to each member of the church respectively, so unto the magistrate belongeth the judgment of such things, both to apprehend and judge of them; for although the magistrate be not preferred and ordained of God, that he should be a judge of matters and causes spiritual, of which there is a controversy in the church, yet he is questionless judge of his own civil act about spiritual things, namely, of defending them in his own dominions, and of approving or tolerating the same; and if in this business he judge and determine according to the wisdom of the flesh, and not according to the wisdom which is from above, he is to render an account thereof before the supreme tribunal." This confession of so famous an anti-erastian divine, doth (I conceive) so fully homologate what Mr Hutchison yielded to the magistrate, (and that even upon supposition that he is such a magistrate as is ready to determine wrong) that I hope no man in reason can allege his receding from the principles of this church in that matter; and for the orthodoxy of it, so much is printed to the world on that subject, as may save me a labour to insist on it with you, who are so well acquaint with, and studied in that controversy: but one thing I wonder at, that the informer was so bold as to hint the injustice of not using divers weights and divers measures, to the good and bad magistrate, in defining the limits of their power and office, when our Confession of Faith, chap. xxiii. art. 4. defineth the contrary, agreeably to scripture and reason, as you know how dangerous it is, if once stories of matters of fact, scattered by nameless authors, get place and credit among people, to the prejudice of honest men; for so, a very Jesuit may step in, and act his part, and play his game, for the behoof of the see of Rome, as they did of late among the sectaries; and the deceiving of honest ministers (though but a few at once) and sowing of differences is no small part of that Jesuitical interest; so I confess it is no less troublesome to me to be engaged in examining of such stories, wherein one person may make work for enow, and tell more stories at random, than many men can search into to discuss them; and therefore I shall here close. Only, I wish ministers, and people otherwise minded than we, may look about them, lest, under colour of pursuing our common cause, there be a turning aside from former sound and sober principles, and lest we be (by stickling and faction) incapacitated, or rather incapacitate ourselves more and more for any proof of the Lord's favour, unless it be to cast us into an hotter furnace, (were it by suffering popery to prevail) to make any good metal in us to run together and unite in sober seriousness by melting, while we divide and scatter in the smallest blink of sunshine, through our peevishness or spiritual wantonness, and also lest sober men going on for a time, in compliances with instable humours, be necessitated to make a sad retrent, at least with a *non putavi*, when they see the lamentable consequences and result of matters. And for the brethren who suffer by this informer's narration, and others like minded, I wish such usage may be a call to be near their Master, following their work closely through honour or dishonour, through evil report and good report, and keeping up their due ministerial authority, and a due respect to people, as believing that integrity and uprightness will preserve them, and that the way of the Lord will be strength to them till their integrity deliver them; and that if God shall have pleasure in us, judgment shall yet return to righteousness, and all the people in part shall seek after it. So be it.

Dear sir, farewell in the Lord.

from court. At length, July 25th, the commission to the five persons named is agreed upon, and the council write to the king, signifying "that they have issued out the commission, as his letter had appointed, but humbly propose, that his majesty may consider, whether the right settling of the affairs of the church, and public peace in the diocese of Glasgow, being the greatest concern, and of the most importance to his majesty's service of any thing within the kingdom, and a great branch of the council's work these ten or twelve years past, be proper to be left in the hands of so few." The return to this I find in the records, September 3d, wherein the king complains, "that the outed ministers have not been cited before the council in the terms of his letter May 31st, and tells them, that the power of the five proposed for the preserving the peace in the west, is not at all privative of the council's power; but they are to report to the council, and that few do business a great deal better than many. In the close, the western commission to the persons named is dropped, and the council warned to take a special care of the diocese of Glasgow, and they are assured, their procedure will be looked after, since they are averse from the king's proposal."

When this letter is read, it was not a little satisfying to several members; and the council immediately order all the outed ministers in Edinburgh, to be cited to hear themselves decerned to repair to the parishes in which they were confined, in the terms of the king's letter May 31st. And the same day the council give power to the chancellor, and earl of Athole, to grant order and warrant to all whom they please, upon credible information given them, to seize all who have been at field-conventicles, and send them to Edinburgh, or oblige them to find caution to appear before the council, and send their bonds to the clerks. To-morrow, September 4th, the council make this following act. "Forasmuch as his majesty hath thought fit, that all the outed ministers who have no particular parishes allowed them, repair to and be confined in such parishes as the council shall name. Mr John Park, who compears this day, is appointed to confine himself to Kilmawers parish, and Mr John Knox, likewise present, to West Calder. Messrs Robert Fleming, Thomas Hogg, John Lidderdale, Alexander Hutchison, not compearing, the council appoint them to be apprehended wherever they are found, and presented before the council:" and, September 30th, a decreet is passed against all the outed ministers who had not accepted the indulgence, and entered their confinements, (except two or three who made some excuse or other) and they are ordered to be denounced. November 6th, I find Messrs William Mein, James Donaldson, William Creighton, James Kirkton, Robert Lockhart, John Wauch, are ordered to be denounced, except Mr Wauch, who is gone with his family to Ireland, and is excused, and Messrs Kirkton and Lockhart, who are gone to England: them the council order to be cited to compear in sixty days; and Mr Thomas Melvil is excused by reason of sickness. From these passages, the reader will understand the zeal of the managers this year against the outed ministers and conventicles. I shall only add, that, June 19th, the council recommend to the lords of session, that no suspension be by them granted on decreets pronounced against persons guilty of keeping conventicles, irregular baptisms or marriages. Some further view of the hardships put upon presbyterians this year, will be had from some particular instances of ministers and gentlemen, which I come now to give. 1673.

April 2d, I find Mr Robert Gillespie before the council, where he confesses he had kept one house-conventicle in the town of Falkland: but refusing to delate whom he knew among his hearers, and to be an evidence against them, the council order him to be carried prisoner to the isle of the Bass, their lately contrived prison. Upon the 7th of May, they allow him the liberty of the isle of the Bass above the wall, but strictly require he be not permitted to preach, or exercise any part of his ministry there. Here he continues till the beginning of the next year, when he fell sick, and Jan. 8th, the council permit him, on his petition, to be let out some time for his health.

1673. Towards the end of June, Mr Alexander Peden, minister at Glenluce, was apprehended by Major Cockburn, in the house of Hugh Fergusson of Knockdow in Galloway, and both were brought prisoners to Edinburgh. June 26th, the council appoint the register and advocate to examine Mr Alexander Peden prisoner, lately apprehended for being at Pentland, and keeping a conventicle. Upon their report they appoint him to be transported to the prison of the Bass. I have before me a letter of this good man, dated, from the Bass, August 11th, 1677, directed to the reverend Mr Patrick Simpson, then indulged at Kilmalcom, and since the revolution minister at Renfrew, till October 1715, when he got to the joy of his Lord in a good old age, after he had been sixty-three years (singularly useful) in the work of the ministry; wherein Mr Peden thanks him for a charitable supply of money sent to him and the other prisoners in the Bass. And I have ground to think, Mr Peden was very much of these four years imprisoned there. The council further appoint fifty pounds sterling to be paid out of the fines to major Cockburn, for his great pains in apprehending Mr Peden and Hugh Fergusson, and ordain him to distribute twenty-five pounds among the party of soldiers under his command, less or more to each at his discretion. And, July 10th, the council fine Hugh Fergusson in a thousand merks, for his reset of Mr Alexander Peden, and being present at a conventicle.

Mr Andrew Wedderburn is before the council, July 31st, and confesseth, "he kept a conventicle in his own house in Anstruther Wester, that is, preached and prayed when several others beside his own family were present. The lords commit him to prison till he find caution under five thousand merks, not to keep a conventicle again, or take on him a voluntary banishment." He continues in prison about a month, and then upon a petition to the council, he is confined to the town of Kilmarnock.

The same day, July 31st, "the council order out a squade of the guards to bring in Mr William Weir, indulged minister at West Calder, prisoner to the tolbooth of Edinburgh." I find no more about him in the registers, neither have I any full accounts of the process against this godly minister; only I am informed that he was challenged for taking a call to the parish of West Calder, from some of the heritors and the people; and in his entry to that parish, he had some expressions which were dissatisfying to the prelates, anent his adhering to the reformation of this church, and the awful obligations we are under to maintain it: besides, in his sermons he had preached against prelacy, and a spiritual supremacy in the magistrate. Since I have no distinct accounts of the expressions this good man used, or the sentence passed against him by the council, I shall only acquaint the reader, that Mr Weir was, before the restoration, minister at Linlithgow. In May 1661, he, with the reverend Mr William Creighton, minister at Bathgate, were, upon a petition from the heritors of their respective parishes, removed from their parishes by the synod of Lothian, as in part hath been noticed. Mr Weir refusing to deliver up to the magistrates the church emoluments and registers, was put into the Thieves' Hole in Linlithgow, by provost Glen. And after he had been some time in that dungeon, he was carried to a room in the palace, and kept there six weeks; till at length, seeing no remedy, he was forced to make the best terms he could with his persecutors. His holy plainness and freedom, when at West Calder, obliged him to quit that place, and within a little he went to Ireland, where he continued till the liberty, 1687, when the people of Linlithgow, with the concurrence of the general meeting of ministers at Edinburgh, gave him a call to return to his former charge, where he continued till July 1695, at which time he died, triumphing over death and the grave.

Others were attacked this year besides ministers, if they favoured presbyterians any way. February 20th, the chancellor for Fife, and duke Hamilton for the west country, are ordered by the council to inquire, what magistrates or counsellors in burghs had not signed the declaration, and report. What gave the occasion to this new inquiry I know not. The gentlemen formerly men-

tioned, Kersland, Blacket, Quarrelton, Bedlane, and others, imprisoned for nonconformity, alleged accession to Pentland, and church irregularities, as they were called, were this year continued in their prisons. And I shall add another instance of the severity of this time, from the justiciary records, upon a worthy gentleman lately dead, Sir Andrew Kennedy of Clowburn, since the revolution lord-conservator in the Low Countries; and it will best appear as it stands in the registers.

"*Apud Edinburgh, August 20th*, 1673. *Sederunt, Sir James Lockhart of Lee justice-clerk, lords Collington, Newbyth, and Craigie, justiciaries.*"

"Mr Andrew Kennedy (alias Weir) of Clowburn, being called, did not compear, to have underlien the pains of law for the crimes underwritten, viz. That he having shaken off all fear of God, conscience of duty, and allegiance to his majesty, and respect and tenderness to his country, presumed to commit the crimes underwritten. In so far as Mr Robert M'Ward minister at Glasgow, Mr Robert Trail minister at Edinburgh, Mr John Livingstone minister at Ancrum, Mr John Brown minister at Wamphray, and divers other seditious persons, being under the lash and compass of the law and justice, for their seditious and disloyal practices, and owing to his majesty's unparalleled goodness that their lives were spared, and that in lieu of that just severity and punishment, which by the law was due unto them, and which justly they might have expected, were banished and removed out of this kingdom only, where they had not lived, nor, their principles and temper being considered, could not live peaceably, and as became loyal and dutiful subjects; yet the said persons having retired unto Holland, and the dominions of the estates of the United Provinces, and forgetting their duty and his majesty's favour, did resume, continue, and prosecute their former seditious and disloyal practices, with as much malice and greater boldness than formerly, conceiving they were out of his majesty's reach, authority, and justice; and ever since they retired out of his dominions, have made it their work to hatch, plot, and contrive most horrid, bloody, and treasonable designs, against his majesty and government, and for disturbing the peace and quiet of these kingdoms, and involving again, and imbruing their native country in blood, combustion, and the dreadful calamities of a war, civil and intestine, and rebellion, under which it has laboured and groaned for many years, and has been the subject of compassion even of strangers: and in order thereunto, having framed divers seditious and treasonable books and pamphlets, the ordinary trumpets and engines of sedition and rebellion, and in special Naphtali, *Jus Populi Vindicatum*, they sent the same home to this kingdom to be divulged: likeas, they were divulged and dispersed, of purpose to confirm those they conceived to be in their principles and persuasion, and to poison, deprave, and seduce others to the same. They did most seditiously stir up the estate where they lived, and some of those who had interest in their government, to a war against his majesty; and for their engagement did promise and suggest to them, that they might expect assistance, at least diversion, from a party of their friends here: they, at least some of them, were, and did traffick and practise in England to the same purpose, and did send home, or at least endeavour to get sent home to this kingdom, arms, in order to their designs foresaid; and for promoting and effectuating the same, they had and kept correspondence with disloyal and seditious persons, and in special with divers who had been sentenced and forfeited, or at least declared fugitives, for their accession to the late rebellion; and, in order to this, have their wives, friends, and emissaries living here within this kingdom, under the warmness of his majesty's authority, and yet like vipers endeavouring the destruction of their country. Amongst which, the said Mr Andrew Kennedy was employed, and in the year 1670 or 1671, had sent home to him, and did receive some of these seditious and treasonable books, libels, pamphlets, and letters, and did disperse the same, and did give returns to the said letters, kept correspondence with them, and otherwise promoted the said designs, or did know and 1673.

1673. conceal them. Wherefore the said Mr Andrew Kennedy has art and part, and accession to the said crimes of treason; and was lawfully charged, August 3d last, to compear before the justiciary; and, not compearing, he is decerned to be denounced to be our sovereign lord's rebel, and ordained to be put to the horn, and his moveable goods and gear brought in for his majesty's use, as fugitive. Which was pronounced as doom."

It is almost needless to make reflections on this procedure. The libel seems rather to be against the banished ministers than Mr Kennedy, and stuffed with virulent and invidious *innuendos* upon them, every way groundless and ill founded, as the reader no doubt hath observed in the former part of this work: yea, there are some plain falsehoods advanced against them, as that story made up at Edinburgh, that they had stirred up the states to war, and promised assistance in Scotland; which is so evidently false, that it needs no refutation; and when Mr Kennedy's part comes, it is evidently strained. The ministers, from whom perhaps he might have letters, were not intercommuned, and nothing can be more forced than the charge on him about the prohibited books: and yet he is, in absence, found art and part in treason, and denounced and declared fugitive.

I shall conclude this account of hardships this year, on the score of nonconformity and conventicles, with an abbreviate of the fines imposed about this time, upon the heritors of the shire of Renfrew, which is none of the largest of our counties, for withdrawing from public worship, keeping of conventicles, disorderly baptisms and marriages.

Sir George Maxwell of Newark, his yearly valued rent in this shire being sixteen hundred pounds Scots, is decerned in the eighth part of his rent, for each Sabbath's absence from the church, which is two hundred pounds Scots. This, in the year, counting fifty-two Sabbaths, extends to ten thousand four hundred pounds, and he is fined for three years' absence in .	£31,200	0	0
The same gentleman, conform to the valuation foresaid, as guilty of a conventicle weekly, for the space of three years, which by act of parliament is the fourth part of the yearly rent, is fined in	62,400	0	0
Item, for a disorderly baptism yearly, ilk of the said three years, (the gentleman, for noncompearance, being held as confest on all the parts of the libel) a fourth part of his yearly rent, which is four hundred pounds, *inde* in three years' time, . .	1,200	0	0
This gentleman then, for those delinquencies, during three years, which is the term of the act of parliament, in whole is fined in . . .	94,800	0	0
The laird of Duchal (now Porterfield of that ilk) his yearly valued rent being fourteen hundred pounds, and holden as confest upon the whole libel, is decerned as guilty of the foresaid delinquencies, for the space and causes foresaid (the particulars I pass after this, and give the total sum for shortness) is fined in .	84,400	0	0
William Cuningham of Carncurran, his yearly rent being two hundred thirty-three pounds, six shillings, eight pennies, and holden as confest for the crimes foresaid, is fined in	15,833	6	8
John Maxwell of Dargavel, for the causes and time foresaid, in	18,900	0	0
John Brisbane of Freeland, for the causes and time foresaid, in	3,900	0	0
Gavin Walkinshaw of that ilk, in	2,429	0	0

Sir George Maxwell of Nether-Pollock, in . . .	93,600	0	0
Matthew Stuart in Mearns, in	6,399	0	0
John Pollock of Falside, in .	3,510	0	0
James Hamilton of Langtoun, in	18,427	0	0
Mr James Pollock of Balgray, in	15,833	6	8
Total . .	£368,031	13	4

This is a terrible sum from eight or ten gentlemen, and most of them of the smaller set of heritors in this shire. It must be owned, that these sums in which they were decerned, were not all uplifted, otherwise the gentlemen had been entirely ruined; yet they were compounded for, and the heritors were harassed until the composition (which in some of their cases was very high) was paid exactly. I cannot, indeed, fix the precise time when these gentlemen were thus fined: this year is the third from the acts of parliament appointed those fines, and the abbreviate before me, wanting a date, I insert it here. Perhaps it might be after this, at the end of the next three years, which were added to the period of the acts of parliament last session: but the matter of fact is certain, they were thus decerned; and what an unexemplified and unreasonable practice was this, to oppress so great numbers of the best subjects the king had, merely because their conscience did not allow them to quit their principles, and submit to the yoke of prelacy; while, in the meantime, none of them could be charged with the least branch of rebellion or disloyalty? I know the same fines were imposed upon vast numbers of gentlemen in all the neighbouring shires, Dumbarton, Lanark, Ayr, Galloway, and Dumfries; but having met with no particular lists of them, I leave this head. The reader will easily frame a notion of the prodigious sums imposed at this time on the west and south, from this small part here set down. Those hardships upon gentlemen and ministers this year, and the course of this persecution, had various consequents. Some of the ministers who had conformed to prelacy began to open their eyes, and take up the evil of their way. We heard last year of the two excellent brothers, Messrs Alexander and John Carmichaels; and, I think, it is this year the reverend Mr Thomas Forester breaks off from prelacy, an account of which shall be given next year, when his persecution begins for preaching the gospel. Great numbers of presbyterian ministers, and some gentlemen, withdrew from their habitations, and several went off the kingdom, and were declared fugitives, and intercommuned. 1673.

Such ministers who continued in the country, and had no freedom to subject themselves to the council's orders in confining themselves, were under no small difficulties. Some of them, about eight or ten, met together, and drew up their reasons why they could not comply with the council's orders, but the paper was never presented; and since it is already printed, History of the Indulgence, pp. 48, 50, I shall not insert it. I have a double of this paper before me, signed Hugh Smith, John Burnet, Robert Fleming, John Blackader, David Hume, Alexander Jamison, George Campbell, Donald Cargill. The method the reverend Mr John Burnet, minister of the gospel at Kilbride near Glasgow, took at this time, was more noticed. When he was cited in to the council, sickness prevented his appearing; and therefore he sent a letter to the chancellor, with the reasons why he could not accept the offered indulgence, nor enter into his confinement. The draught of the reasons was formed to have been delivered to the council, and his sickness hindered his altering the tenor of it. The reader will find both in the History of the Indulgence, p. 42. &c. Mr Burnet was a minister of great solidity and learning; and though he had no freedom to fall in with the indulgence himself, yet he was very opposite to division upon that score, and both heard the indulged ministers, and pressed his people at Kilbride, among whom he lived, to do so. He had been singularly useful in that parish, where there were a great many quakers and separatists; and yet, by his painful and excellent preachings and other labours, he reclaimed most part of them. I find, Mr Burnet died in full

1673. assurance, and great peace, December 22d, 1673. The last words he was heard speak, were, "Glory, glory, glory!"

Thus matters stood this year in Scotland; but in England affairs took a great turn. There the parliament, in April, address against the liberty allowed to papists. The king saw fit to take away this, and yet to continue the toleration to dissenters for a little to please the commons, when the Dutch war was very unpopular, as well as unsuccessful. The duke of York was married to the duke of Modena his daughter, and the Cabal who managed all at court for some time were divided and scattered, Clifford, Arlington, Buckingham, Ashley-cowper, and Lauderdale. Ashley-cowper, or the earl of Shaftsbury, left the court, and struck in with the country party. The house of commons impeach Buckingham; and Lauderdale, now mightily in favour with the king, was voted by them to be a grievance to England, and unfit to be employed in any office: whereupon he makes the best of his way to Scotland. Here, in December he holds his fourth session of parliament.

The open differences which fell in among them, prevented their meddling with church affairs, and the suffering presbyterians; and therefore I shall say very little about them. The king's letter to this session is in print; and Lauderdale makes his majesty speak therein with considerable warmth against presbyterians, probably to secure to himself the bishops and their dependants, that he might the better oppose the duke of Hamilton and his country party, who were now openly broken with Lauderdale. Thus the king is made to say in his letter, "that one of the principal reasons of keeping this session of parliament, is, that effectual courses may be laid down, for punishing and curbing the insolent field conventicles, and other seditious practices." The indulgence is insisted upon, as what mightily aggravates the evil of these; the former laws are commended, and the want of execution of them complained of; and it is added, "we must now, therefore, once for all, lay down such solid and effectual courses, as the whole kingdom may see that both you and we are in earnest, and that if fairness will not do, force must compel the refractory, to be peaceable and obey the law." This letter the duke seconds with a speech to the same purpose, which is likewise printed. Yet Providence put a stop to their falling upon the presbyterians. The author of the Grievances under the Duke of Lauderdale's Ministry, hath several reflections upon the strain of this letter: he remarks, That if the Lord had not beat down this man to the earth, when breathing such threatenings and slaughter, we would have been an Aceldama. He says, the introduction of a Service-book into Scotland was at this time designed, and the form of it prepared, and the commissioner charged to carry it through, this parliament. In short, he notices the inconsistency of this minatory letter, with the duke's coming to take sanctuary in Scotland, and his professed kindness to nonconformists.

Whatever were the commissioner's projects, they were all frustrated; for when he proposed a new supply to his master, and that this matter should be referred to the articles, the first stand that was offered to the measures of the court, since the restoration, is made; and the duke of Hamilton moves, That the grievances of the country might first be represented to the king; and, after that, declared he was willing to go into a supply. Warm debates arose in the house, and when the commissioner appeared with some briskness for the supply, one of the members asked, Whether this was a free parliament or not? Sir Patrick Hume of Polwart, and several other gentlemen, spoke with abundance of freedom and plainness. There are three or four acts, about trivial matters, passed, which duke Hamilton and his party did not oppose; but nothing of moment got through: so Lauderdale had no other shift but to adjourn the parliament to March next. The earl of Argyle, Kincardine, Sir James Dalrymple of Stair, were at this time upon the commissioner's party, with all the bishops.

Before the sitting down of the parliament, in November, a short account of affairs in Scotland was drawn up by a considerable lawyer, probably to be communicated to friends through the country and in England.

It relates mostly to civil affairs; but because I have not seen it in print, and it gives a view of the state of things at this time, I have insert it, as a note.* Upon the adjourning the parliament, both sides send up their confidents to court. Of the country party, duke Hamilton, the earl of Dumfries, and others, go up. They 1673.

* *A short account of affairs from Scotland, November*, 1673.

The present show of things with us, may be taken up in its civil, and next in its religious or ecclesiastical parts: in the civil we may again consider, 1mo. The body of the people. 2do. The courts of judicature. 3tio. His majesty's revenues. 4to. The commerce or trade. As for the first head, touching the body of the people, our nobility here do make the greatest name, for they are numerous, above a hundred, but withal so generally broken through misgovernment, that the full payment of their debts would deliver us at least of the one half; and of the other, there are not thirty that can be reckoned singly to £500 per annum, of free estate, and almost all of them also under great burdens; now, that our high titles and low fortunes must incline them to vanity and oppression, is too evident: it is true, their number gives them a greater sway in our parliaments, but as we are all at present stated, under his majesty's absence, in place of being serviceable to him, their decay and poverty doth render them obnoxious to the will and pleasure of the favourite; so that all things being weighed, it may be truly affirmed, that their want of estates, and their real interest, makes them useless and unprofitable to the king and country; and that therefore the pensions paid to them out of our exchequer, is a mere profusion. As for our gentry, though many of them be under the common calamity of debt, and most of them but of small estates, yet it is among them, that the most may be found capable of his majesty's service, if they were not debarred therefrom, by some late unlucky restraints.

After this description, I should proceed to our courts of judicature, were it not that Lauderdale stands in the way; and therefore I must tell you, that this man, under the pretext of being his majesty's sole secretary, and having the advantage of residing at court, is, and hath been, thir years bygone, not so much his minister as our master; for he, being the king's informer in our matters, excluding all others with a severe jealousy, and having the absolute disposal of all places, gifts, and other things that concern us, it is evident, that not only persons, but our courts also must depend entirely on his pleasure. It is not my purpose here to give you an account of his malversations; his very place and power is in effect so extraordinarily exorbitant, that we cannot bear it. I might tell you, that a deputy-king is as absurd as a deputy-father in nature; but this is not the worst of our case. If Lauderdale did reside amongst us, he even would be more tolerable; but he, being for most part absent as well as the king, doth exercise the power of his own creatures, so that they moving them according as they pleased to suggest, all men are so exposed to their clandestine and partial informations, that it is very certain, that the meanest of his favourites are courted by the greatest of our nobles: and, if I may say it with reverence, the kindness of his valet de chambre, is more sought after than his majesty's grace and favour. If he demand evidence for this allegation, the proof and the remedy are the same thing; and all we crave, if without Lauderdale's leave we dare crave any thing, is, that his majesty would graciously signify, that he will receive our immediate addresses.

The second head is that of our judicatories, and, under it, I do only notice the king's privy council and the session, which are the supreme courts of justice: for the lords of council, there are some of them very weak men, who are partially put in by Lauderdale. I shall only now add, that, considering how that Lauderdale doth all at court, and leaveth nothing to the council save only an obsequious execution to be managed by his brother Halton, it matters not how our council be constitute. It is well known to all, that Lauderdale, these years bypast, doth, by himself, without asking their advice, 1st. Appoint principal officers of state, bishops, general commanders, privy counsellors, lords of session. 2dly. Levy and disband forces. 3dly. Call and keep on this parliament now these four years, and, in fine, doth all things at his will; so that the council, though it hath the name of his majesty's council, yet in effect is not so much his as Lauderdale's. In the next place, I am to speak of the session, which, having the administration of justice, is certainly of the greatest import to this nation. This court consists of fifteen ordinary lords, whereof one is constant president, four extraordinary lords, and the lord chancellor. When it was re-established in the year 1661, things went pretty fair, until of late that the evil is become quite insupportable: for, 1st. Lauderdale, to the ignorant men that were before, hath added worse, such as his brother Halton, and the provost of Edinburgh, a merchant; one Maitland of Pitrichie, a mean country gentleman, and Mr Robert Preston, an old country collector, men all of them so unskilled in law, that if the very examination ordained by act of parliament, had been seriously gone about, it would have debarred them in their entry. But, 2dly. Halton, weak as he is, seconded by Lauderdale's power and the assistance of the president, who is also of Lauderdale's making, and by his place hath an influence too great for any court, hath in a manner an absolute sway; and, by his evil example, favour, bribery, and other indirect practices, doth sadly prevail to the unsettling of right and property; for proof and remedy whereof, if it would please his majesty to call for some of our lawyers, I am sure that not only what I affirm would be verified, but at least six or seven of these judges rejected, and the country greatly eased and gratified. The granting of protection to debitors against law, is also an heavy grievance against justice, for though the act of parliament so severely prohibits them, declaring the lords of council and session, who shall presume to grant any such thing, liable to pay the debt; yet it is ordinary at present for insolvent debitors, to deal by money with Lauderdale's servants, and obtain the king's protection; so that in a manner they are become current for five pounds sterling price.

1673. complained that the duke and his brother Halton had engrossed to themselves and friends, all the profitable places and posts in the kingdom. The other party answered all; and duke Hamilton and his friends had but a cold reception. There was not a word concerning religion from any side. Next year, some

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The third head is that of his majesty's revenue, which taketh in our court of exchequer. When king James went to England, he willingly distributed the Scottish revenue, being then very small, among the lords and others, whose active and unquiet spirits he thought fit to oblige; but since that time, both the condition of things is quite altered, and the revenue greatly increased, and yet his majesty hath no benefit by it. The king may have a revenue in Scotland yearly, one way and other, betwixt eighty and a hundred thousand pounds per annum: to this may be added the great sums uplifted by the general fining, in the year 1665, the taxation granted the same year for five years thereafter, and two years' assessment, one in 1667, and another in 1672, which assessment alone did amount to above £144,000 sterling, and yet of all the said sums what account hath his majesty got? It is true, that since his return we have had a standing troop or two of horse, and some companies of foot, to which were added for about a twelvemonth, in the year 1666 and 1667, two thousand foot and five troop of horse. I allow also honourable pensions to his majesty's principal officers, and other deserving persons; but it is evident that all these particulars fall short of so great a charge; and, in effect, when Tweeddale and Sir Robert Murray did manage the treasuries, they, in a short time, made up to the king a good cash; but all that is now dissipate, and the whole revenue expended, which I am sure doth at least merit an exact search. For direction whereof, it may be considered, 1st. That there are a great many pensions granted and continued, either without merit or above proportion, and, which is yet worse, merely on Lauderdale's pleasure. Thus there was five hundred pounds sterling, of yearly pension, given to the countess of Dysart, before she was either countess or duchess of Lauderdale; for the rest I shall not name them. I have told already, what is the condition and deserving of many of our lords who have pensions, and that may satisfy; only, there is amongst them a complaint, that severals, who have indeed suffered for the king, are least noticed. 2dly. Lauderdale's allowance as commissioner, is a most gross abuse. Ye know that he called this parliament in order to a treaty of union with England; and it is also true, that the parliament did end, in a little more than two hours, all that they did about it; and yet he hath kept it up now above these four years, and under this pretext gets vast sums, sixteen thousand pounds sterling for his equipage, when first made commissioner; next, fifty pounds sterling per diem, during the first two sessions, and fifty pounds sterling per diem, during the third, as long as he shall please to continue this fourth session of parliament, and ten or fifteen pounds sterling per diem, during all the time of its recesses; which sums being duly calculated make up the sum of ——— and will be found to amount to more yearly than our ancient kings had in revenue. 3dly. There are great gifts granted by no other rule than for favour, as a gift of casualty, due before the king's return, to Lauderdale and others, and gifts of all wards and marriages, for the space of three years, to the earl of Kincardine, which gift is lately renewed, and continued for more years; a gift of *ultimus hæres* of the earldom of Dundee to the lord Halton, and many others of the like nature which cannot be reckoned. But the sum of all is, that when his majesty's revenues and casualties shall be exactly stated, and all necessary disbursements discounted, I am confident there will remain a superplus of balance, at least three or four thousand pounds sterling per annum, whereof no good account can be given. I wish his majesty be not, in plain terms, defrauded. Thus you see how his majesty's revenue is inverted, neither is it to be expected that the commissioners of the treasury and exchequer should provide a remedy, all of them being at Lauderdale's reverence by reason of their pensions, and severals of them sharers of the spoils. It is also a great abuse, that there is not a gift or signature that passes his majesty's hand at Whitehall, which is not first transacted for in Scotland, and money paid for it to Halton before it be sent up; and so being thus satisfied, and got to be recommended, his majesty's advantage or detriment is little more minded.

The fourth head, is that of commerce and trade, for which the laws lately made have been so grossly perverted, that they seem rather to have been designed for the benefit of particular persons, and the ruin of the public, than for any other end. Thus it being declared, in the parliament 1663, that the regulation of trade belongs to his majesty's prerogative, which was done for the better composing of differences with England, his majesty is lately moved, by virtue of this act, to prohibit all foreign salt, and then to grant a monopolis of inland salt to the earl of Kincardine, contrary to the express advice of the lords of the exchequer, and to the great hurt of the whole country. 2dly. By virtue of the same warrant, there is an imposition of eight pennies per pound, laid on tobacco, and immediately the gift granted to Sir John Nicolson, and with him both Halton and others are partakers. 3dly, There being an act made for the importing of brandy and rum, the gift of licensing them is lately conferred on the lord Elphinstone, Halton's son-in-law; and this gift was impetrate, so that it is openly reported that his majesty was informed of the thing, as worth no more than eighty or a hundred pounds yearly, whereas it truly renders above three thousand pounds. It is also a great abuse, that since Halton was made general of our mint, the country hath been filled with a light copper coin, and likewise the fineness of our silver coin hath been debased below the old standard, for both which, it is said, that he hath secured himself by his majesty's discharge and indemnity. As also the leg-dollars being current for fifty-eight pence, were usually imported by our merchants to the great good of the country, and yet of late they have been cried down to fifty-six pence, for no sufficient reason, except that they might be brought in for bullion to the mint.

further account of this may come in, as likewise of the projects and grievances the prelates designed to have laid before this session, but were prevented by the differences among our great men.

I promised, at the close of this year, to take notice of some other less material things, which came not in upon the former generals, and shall very quickly despatch them. Upon January 9th, I find a remission is read in council, to Mr Archibald Beith, curate in Arran, for his accession to the slaughter of Allan Gardiner, merchant in Irvine. Mr Beith, and one Donald M'Gibbon, who lived in a remote place of the island, made it their work to oppress people who put in there. Upon the 27th of April, 1671, after professed kindness Mr Beith shot the above-designed person, and was seized: and in July, I meet with him paunelled before the justice court for murder: after many dilators, June 24th, 1672, he is, by an assize, found guilty, and sentenced to be hanged at the cross of Edinburgh; but the day left to themselves. They delay naming the day from time to time; and about the beginning of this year, his remission comes down.* 1673.

Mr John Row, curate of Balmaclellan, after he had got the fine laid upon the parish for the pretended riot, was, last year, by the council, September 13th, transported to the parish of Stainkirk, (Stonykirk, more properly Stephen Kirk,) in the shire of Wigton; and the council write a letter to the laird of Garthland, patron there, to grant him a presentation. This year, March 7th, a complaint is made in council, that when he came to Stainkirk, the kirk locks were spoiled, and he had not access, and

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house, for Halton's benefit. To conclude this civil part, I might subjoin several heads of Lauderdale's malversation, but it would be tedious to reckon them. I only cannot pass, 1st. An act made in 1663, by his procurement, wherein, under a pretext of a loyal offer of our service to his majesty, the country is obliged to have in readiness at his majesty's command, twenty thousand foot, and two thousand horse, to serve in any part of his majesty's dominions, which, as it may occasion an heavy burden to us at home, so it hath been and is still to continue a ground of division and jealousy to the kingdom of England; neither hath it any real import for his majesty's interest, seeing that his undoubted ancient prerogative, together with his own old law, doth give his majesty sufficient assurance; so that this late act can have no other construction, than that it was devised by Lauderdale, to insinuate into his majesty's favour, and render his grandeur more formidable in the English court. 2dly. As to more private concerns, he makes an act of the last session of parliament, about coats of arms, in favours of Sir Charles Erskine, lord lyon, and his kinsman, which conduceth to the country's great trouble of superfluous expense. 3dly. He moves the king to buy an useless rock in the sea, with a small fort called the Bass, and to give for it an exorbitant price of four thousand pounds sterling, to his friend Sir Andrew Ramsay; and then he takes the keeping and profit of it, by a new gift, to himself. Nay, further, and upon this notion, and the bare pretence that Lauderdale had obtained from the king a certain gift of the excise of the town of Edinburgh, Sir Andrew being then provost, very gratefully moveth the town to give to Lauderdale five thousand pounds sterling. 4thly. Within these two months, he moved his majesty to write a letter to the town council of Edinburgh, commanding them to put out the clerk, and choose another in his room; and so depriving him of his office and rights, without ever being heard, and for no known reason, save that his friend Sir Andrew was desirous to have the clerk removed. And further, the letter containeth an overawing insinuation to the council, for keeping in the said Sir Andrew to be provost, by a new election, notwithstanding of the universal dissatisfaction of the city against him. These are a few instances of Lauderdale's abuses and arbitrary courses, and it is certain that a particular inquiry would not only discover many more, but also satisfy all men, that there was never a person of such quality in trust, more vexing and disobliging to the country, and more generally disliked.

Sir, you have here a short account of our affairs, which as I do offer only for direction to a more accurate and full inquiry, so I am far from expecting, as things are at present circumstantiate, a thorough and adequate reformation. All my wishes are, that this may prove at least an useful incitement to move men to adjust things in some more reasonable and equal way, for the necessary relief of a distrest country; for producing whereof, I shall not presume to offer any other advice than that his majesty would be pleased to call some of the lords and others of his council, who are known to be most sufficient and free of any Lauderdelian dependance, to give their opinion both of the evils, and of their remedies.

* After he was set at liberty in the manner mentioned in the text, he came to Rothsay on his way home, and was in such extreme poverty that he petitioned the town council for help, and liberty to beg. They granted him £20 Scots, but refused him permission to beg from the inhabitants. He is designed "late minister at Kilbride" (Council Register of Rothsay); so we may infer that he lost his parish for this offence.—Communicated by John M'Kinlay, Esq. Collector of Customs at Rothsay, now at Anstruther.—*Ed.*

1673. was likewise hindered from possessing manse and glebe. The council order inquiry to be made into it; but I meet with no prosecution following. I suppose it might be about this time he turned papist. April 2d, I find one James Baxter ordered by the council, to be prosecuted by the advocate, for his confest accession to the riot committed upon the house of Mr David Cunningham, incumbent in Cambuslang. These riots are now much at an end.

July 10th, the council having a design to plant the parish of Barnwell in the shire of Ayr, with one of the outed ministers, as soon as Mr Robert Kincaid, present incumbent, is provided for elsewhere, they order a letter to be writ to the earl of Galloway, that he may present him to the parish of Kirkmaho. Probably it was the president got this favour to his neighbours in Barnwell. I imagine Mr Kincaid would not be so welcome to the people in the south; however the council must be obeyed. By the way, upon this head I cannot but observe, that I have frequently heard it noticed, that the power of patrons, except in point of doing hurt, was almost as little in the hands of gentlemen and noblemen under prelacy, as since the revolution, when it was rescinded. They were never permitted almost to follow their own inclinations, in giving presentations, but perfectly imposed upon by the prelates, and sometimes the council, or at least some of the managers, whom they durst not disoblige.

In December, this year, the council issue out a very good proclamation against papists, which is printed, and very long. Had the prelates concurred in their capacity, it might have been better executed; but, I find, December 6th, that same day the proclamation is agreed to, the council, with a regret of their former negligence, renew their appointment upon the archbishops and bishops, as in the former years, and require accounts of such as have made desertion, and of the bishops' diligence in excommunicating those; and order this to be done yearly. And, December 23d, upon information that one Whiteford, a lieutenant in the guards, is a papist, the council appoint him to be dismissed, and that he serve no longer there.

By a copy of a letter before me, from Dr Burnet, professor of divinity at Glasgow, to the duke of Lauderdale, dated December 15th, 1673, which I have inserted as a note,* I find that the breach between

* *Doctor Burnet's letter to Lauderdale, December 15, 1673.*

May it please your grace,

The unusual coldness that appeared in your looks and words, when I had the honour to wait on your grace last, made me not presume on a nearer address to ask what I now adventure, and in this way which I hope shall offend least, which is to know, what is my crime that hath rendered me so guilty in your esteem. To serve your grace, as it was left upon me by my old father, so was it ever natural to me, that, as in the poor sphere wherein I have moved these ten years since I had the honour first to know your grace, it hath been my constant care, so I made account of your grace's favour as my birthright; and yet I never pretended to any other advantage by it, being rewarded by the pleasure I find in it; but when I find I am of a sudden, and I hope without any great guilt, fallen not only from any room I perhaps flattered myself I had in your grace, but am represented in the blackest characters, that is a new, though a malicious proof of the instability of human things; yet though I am told I may give up your goodness for me as irrecoverably lost, I shall with the sinking man catch hold of every thing may buoy me up, and do therefore beg once to be heard, before I be for ever condemned. When I went last to London, it was purely the desire of the duke and dutchess of Hamilton, and my own readiness to serve them in publishing the memoirs that made me go; nor did I see or speak with any but them about my journey, which I carried so secretly from all others, that only my being gone told I had set out. While I was at London I corresponded with none but duke Hamilton, and if his and his dutchess their vindicating me to your grace, from being an evil instrument, or corresponding to your grace's prejudice, do not clear me, I am sure I need not expect it, though I can give many evidences, how that ever since I had the honour to know them, I used all my poor endeavours to preserve in them all just and deep impressions of your friendship for them, and to allow no resentments. My stay at London was occasioned by your grace, who found not a conveniency for some weeks of proposing the business I was sent for to his majesty; and though that delay was heavy for me, yet I refused to accept of the offers of some great persons who were willing to make my address, and was resolved rather to lose the journey than to have that matter proposed by any but your grace. All the while I was at London I studied on all occasions to do your grace right, which made me pass under the character of your agent, which my lady Myner told me a few days before I left Whitehall, and my lord Halton the last night I was there; this seems an evidence that I did, and spake nothing to your grace's disadvantage. And having very clear expressions of your favour when you left Whitehall, I did not doubt to find them the same at the Abbey, nor

the commissioner and him was begun about this time, which afterwards, in the year 1675, issued in the doctor's being an informer against the duke, before the house of commons. I come now forward to the following year.

CHAP. IX.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS DURING THE YEAR 1674.

1674. This year affords some more matter for the history I am upon, than the former. Conventicles were not prevented through the kingdom, by the indulgence to a few ministers in the west: the persecution of the outed ministers, for not confining themselves to places appointed to them, put many of them to wander up and down; and they could not there resist the importunate cravings of multitudes longing for spiritual food. This increase of conventicles was accompanied with severe finings, and other persecution from the council. The parliament likewise was dissolved; the attempts made against Lauderdale and his party came to nothing; several of those who opposed him in the council, are turned out, and a new council named; abroad we had a peace made up with Holland, 1674. and at home some tumults and riots, and no small debates among the bishops and clergy. These things will fill up two sections. In the first I shall take a view of the procedure of the council with relation to conventicles, and such as were concerned in them; and in the other, I shall gather up what other things I find observable through this year.

SECT. I.

Of the actings of the council this year about conventicles.

When the parliament was adjourned in the entry of the year, and the animosities betwixt our different parties of statesmen were going on, presbyterians took a little liberty to preach and hear the gospel in places where the indulgence did not reach, as what they reckoned both a civil and religious right; and it was thought that none of the contending parties were much dissatisfied at their increase. Now a considerable part of the kingdom was filled with conventicles in houses and the fields, but ministers were not so fond of the fields as to refuse invitations to vacant churches

did I perceive any change till being above stairs, I was kept waiting above three quarters of an hour in my boots, and no access given, though twice desired; I was also told from many hands, that both your grace and lady dutchess had given very *diminishing* characters of me, at which I had no reason to complain, for I desired to lessen myself in my opinion more as any other can, and so must acknowledge the justice of undervaluing me; but finding myself out of the posture I once stood in with you, I resolved to get me quickly home, and saw very few persons. I well remember with whom I spoke. I am told my crime is, that I said to some, your grace durst not return to London. I know well from whom this comes, and with whom these discourses were, who, if they had as faithfully related all, as they told the worst part of the discourse, I needed not apprehend any censure. Some asked me, how ye stood in England. I told them, as well with king and duke as ever, but that many in the court and house of commons were angry with you, who designed to drive you from his majesty, but added, my fears that the bustling at this time in England was an evidence they were neither fixed in their duty to king nor duke, so that my representing you odious to them, did your grace as great a right as I could do. My error in this could not amount to more than indiscretion, and so deserves a milder censure than traitor and rogue: but if your grace and lady dutchess would remember, I did to both give hints of my fears of rubs ye might meet in Scotland, and told you of the particulars, but saw myself laughed at as a fool for my advertisements and advices; but sure if you both reflected on all that ever I presumed to say to you, you will not find that ever I abused you in a tittle, either by giving false characters of persons or things, or by offering to put any trick upon you: it may be my too much freedom hath, if not offended, yet, been less acceptable; but when you set all together, you will, it may be, see reason to mitigate the severity I have met with from you both against me. As I can attest God, that I neither knew of any design to oppose you in any thing before I came to Scotland, so I had no manner of accession to it directly nor indirectly, and shall never fail, be it accepted or not, to render in spite of calumny and jealousy, all the dutiful service in the power of, your grace's most humble, most faithful, and most obedient servant,

Gilbert Burnet.

Directed on the back, For his grace the duke of Lauderdale, his majesty's high commissioner for Scotland.

1674. from the heritors and people concerned. House-conventicles were the less noticed, that field ones were so common. Many of the episcopal incumbents had indeed so disgusted their hearers, that their meetings were but thin. In the west, where the indulgence was granted, there was no need of conventicles. In many parts of the north there were but few favourers of presbyterians; and yet in Ross, Murray, end other places, there were some; but in Fife, Perth, Stirling, Dunbarton, Lothian, Merse, Teviotdale, the border, Annandale, Nithsdale, and other places, field-meetings were frequent. Convenient places were pitched upon in mountains, mosses, and muirs, and considerable numbers gathered to them. At these meetings many souls were converted and edified, and not a few who had been profane or indifferent, and well enough satisfied with the incumbents, entirely left them.

This did not a little affect the prelates, who used their utmost efforts to restrain those field-meetings; and the council were not wanting. I shall give here then a detail of what I have noticed in their registers to this purpose. Their procedure, in the beginning of the year, against Mr Forester, and some other particular ministers, I shall leave to the following section, and begin with the actings of the new made council, June 4th. The members of this court were generally very hearty in this work, and Lauderdale, from particular views, pushed them on by letters from the king. Accordingly, at their first meeting on the foresaid day, a letter is read from his majesty, dated May 19th, complaining, "that, notwithstanding the indemnity lately granted, and the lenity shown, unlawful conventicles, yea, field-meetings were kept, and the pulpits of orthodox ministers invaded in some places. Upon the whole, the king requires the council to use their utmost endeavours for trying and apprehending of preachers at field conventicles, invaders of pulpits, and the ringleading heritors at such conventicles and invasions, and to make use of the standing forces and militia for that end, leaving the punishment of the other transgressors to the ordinary magistrate, according to law." After consideration of this letter, and to answer the demand of it, the council appoint the lord chancellor, the archbishop of St Andrews, duke Hamilton, earls of Argyle, Linlithgow, Kinghorn, Wigton, and Dundonald, the president, treasure-depute, register, advocate, lord Collington, or any five of them, to meet with a council-power, when and where they please, and consider and make trial anent field conventicles, invasions upon ministers and pulpits since the indemnity dated March 24th last, with power to apprehend whom they think meet, and give orders to the army and militia. They are to advise with the council in difficult cases, and make their report, and to offer their opinion for preventing these disorders. This I take to have been the beginning of what was afterwards termed the "committee for public affairs." At the same time the council order the chancellor to send out parties to apprehend all conventicle preachers, or such as pray at these meetings, according as he is informed about them; and particularly, to apprehend the persons of "Messrs John Welsh, Gabriel Semple, Robert Ross, Samuel Arnot, Gabriel Cuningham, Archibald Riddel, John Mosman, John Blackader, William Wisheart, David Hume, John Dickson, John Rae, Henry Forsyth, Thomas Hogg, Robert Law, George Johnstoun, Thomas Forester, Frazer of Brae, John Law, Robert Gillespie." And any of the guards who shall apprehend Mr John Welsh, or Mr Gabriel Semple, are promised four hundred pounds sterling, and for each of the rest a thousand merks. The council further declare, that the soldiers and their assistants are hereby indemnified of any slaughter committed in apprehending any one of them, conform to 1st act, session 2d, parl. 2d, Char. II. entitled, "act anent conventicles." The said persons are appointed, when apprehended, to be brought into Edinburgh: and the same orders are granted to the earls of Athole and Linlithgow.

This spring conventicles were numerous. That diligent, fervent, successful, and unwearied preacher, Mr John Welsh, made a perambulation, at the earnest desire of many, through Fife, and there preached

frequently, sometimes in vacant churches, and sometimes in the fields, to very numerous auditories; and other vacant churches were preached in by presbyterian ministers, upon the pressing desire of the inhabitants. At Wilmot chapel great numbers met, to which one day the archbishop of St Andrew's was an eye witness. Mr William Weir preached at another time to a very full auditory in Magdalene chapel in Edinburgh; but the meetings which were most noticed, were those by Messrs Johnston and Kirkton in the church of Cramond, near Edinburgh. Accordingly, June 11th, the council give out a decreet against the heritors of Cramond, of which I need only set down the abstract. "Whereas notwithstanding the acts against conventicles, in April or May last, Mr George Johnston and Mr James Kirkton kept a conventicle in the kirk and kirk-yard of Cramond, and Mr John Inglis of Cramond compearing, confesses, that he was six times at the said kirk when conventicles were there; the council fine him in the fourth part of his valued rent, *toties quoties*, extending to the sum of 1036 pounds Scots, and appoint him to be carried to prison, there to lie till it be paid, and longer, during the council's pleasure." I find afterwards he produces a receipt of the payment of his fine, and is let out of prison. The same day, the lord Balmerino and Sir John Young of Leny compeared, and denied that they had been present at any of those conventicles: the council, for their assoiling, order them upon their knees to take the oath of allegiance, which they did, and were dismissed without any further trouble.

At the same diet, Mr Charles Oliphant of Langtoun-law, one of the under-clerks of the session, was convened before the council, where he acknowledged he was present at one conventicle at Pilmor-brae, but declared he went thither merely out of curiosity, and promised never more to go to conventicles, and professed he held them unlawful assemblies. The council ordain him upon his knees to take the oath of allegiance, which he did, and was dismissed without any further censure for the first fault.

Thus our new-named council go very briskly to work, upon the keepers of conventicles within their reach; and further to quash them, they emit two proclamations, June 18th. The first is, "proclamation obliging heritors for their tenants, and masters for their servants," which I have inserted below.* It speaks for itself the 1674.

* *Proclamation, June* 18, 1674, *obliging heritors and masters for their tenants and servants.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith: to our lyon king at arms, and his brethren, heralds, macers, pursuivants, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: forasmuch as the keeping and being present at conventicles in houses, or in the fields, are most unwarrantable and disorderly practices, expressly prohibited and discharged by several laws and acts of parliament, and specially, by the fifth act of the second session of our second parliament, under certain great pains and penalties: notwithstanding whereof, many persons continue so disloyal and disobedient, as to frequent these unlawful and seditious conventicles and meetings, to the great scandal of the reformed religion professed within this kingdom, and great reproach and contempt of our authority and laws, and disturbance of the public peace; and seeing the due observance of the foresaid act of parliament is of great import and consequence, (field-conventicles being declared by the law to be the rendezvouses of rebellion, and house conventicles the seminaries of separation; and both of them tending to the subversion of all peace and order in the church,) and that it might prove an effectual means for suppressing these disorders, if heritors, masters of families, and magistrates of burghs royal, would employ that interest, power, and authority, which they have over their tenants, servants, and inhabitants, in procuring their obedience to the law. We therefore, with advice of the lords of our privy council, do hereby require and command all masters of families, that they cause their domestic servants, chamberlains, grieves, and others entertained by them, give obedience to the foresaid fifth act of the second session of our second parliament, in abstaining from all conventicles, either in houses or in fields, and that they retain none in their service, but such for whom they will be answerable; and in case of their disobedience, that they remove them out of their service. As also, we do hereby require and command all heritors, landlords, and liferenters in the country, to require their rentallers and tenants, as well these who have tacks yet standing unexpired, as moveable tenants, to subscribe the bond hereto subjoined: and (in case there be necessity) the said heritors and liferenters are hereby warranted to raise letters under the signet of our privy council, to charge their rentallers and tenants, whose rentals and tacks are not expired, to give the said bond upon a charge of six days, and in case of disobedience, to denounce them to our horn, and registrate the same; for which end, warrant is granted to direct letters in their name against all and

1674. temper of our managers at this time, and needs very few remarks. After an invidious and ill-grounded representation of house and field-conventicles, all masters are required to dismiss such as haunt them from their service, and all heritors are to oblige their tenants to sign the bond annexed to the proclamation. In case tenants refuse, they

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sundry their tenants and rentallers: and we, with advice foresaid, do declare, that we will be careful, that the escheats falling to us by the said hornings, shall be gifted and bestowed upon the landlords and setters of these tacks and rentals, in so far as may be extended thereto; recommending hereby to the lords commissioners of our treasury, or to our treasurer-principal, or treasurer-depute, (for the time being), and others of our exchequer, to grant the same accordingly; and in case the tenants be removeable, and refuse to give obedience, that they warn and pursue them to remove, and obtain decreets of ejection against them; and that no heritor, landlord, or liferenter, set their lands hereafter to any person, by word or writ, but to such as they will be answerable for, as said is; and that they take surety from them by provisions to be insert in their tacks, or otherwise by bonds apart (in case there be no writ), that the said tacksmen, rentallers, and others, their hynds, cottars, and servants, who shall live under them upon the said lands, shall give obedience in manner foresaid, otherwise, that their tacks, rentals, and their whole interest, right, and possession shall be void, and expire *ipso facto*, as if they had never been granted; and that without any declarator or further process, and then as now, and now as then, that they shall renounce all right that they shall have thereto, and shall remove themselves without any warning; or in case of failie, the landlords and others are to charge and denounce them in manner foresaid. And in regard, by the foresaid act of parliament against conventicles, magistrates of burghs royal are declared liable, for every conventicle to be kept within their burghs, to such fines as our council shall think fit to impose; therefore the said magistrates of burghs royal are hereby required to take special care and notice, and to be answerable, that their burgesses and inhabitants be obedient to the foresaid act of parliament; and that they cause charge such of them as they shall think fit, and are suspected, to give bond, as said is, for the magistrates' own relief, in case they contravene, and if they fail, to denounce them in manner foresaid. And it is hereby declared, that all masters of families, landlords, heritors, and magistrates of burghs, who shall not give punctual obedience, in manner abovewritten, that they shall be liable in the same pains and penalties due to the contraveners, but without prejudice always of proceeding against the contraveners themselves, and inflicting upon them the pains contained in the said act of parliament: and it is likewise hereby declared, that if any cottars or servants, for whom tenants or rentallers shall be bound, shall be found guilty of transgressing the foresaid act of parliament against conventicles, and that thereupon the tenants shall be found liable upon the bonds to be given by them, that they shall have their relief from the contraveners for whom they are bound. And to the effect these presents may be known by all persons concerned; our will is, and we charge you straitly and command, that, incontinent these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and thereat, with all due solemnities, in our name and authority, by open proclamation, make publication hereof: and for the better execution of these presents, require the several sheriffs and their deputes, with all possible speed, to cause read and publish the same upon a Sabbath-day, at the several parish-kirks, which lie locally within the bounds of the sheriffdom, albeit any of these parishes do belong to other jurisdictions, intimating to the heritors, that they cause their tenants subscribe the said bonds, and report them to the respective sheriffs or their deputes, who are hereby ordered to return to our council an account of their diligence, with the bonds reported to them by the heritors, within the times following, viz. The sheriffs of the sheriffdoms of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk, Peebles, Lanark, Linlithgow, Stirling, Fife, Perth, and Forfar, betwixt and the last Thursday of July next, and the sheriffs of the rest of the sheriffdoms of this kingdom, betwixt and the first Thursday of September next: and ordain these presents to be printed, that none pretend ignorance, according to justice, as ye will answer to us thereupon. The which to do, we commit to you conjunctly and severally our full power, by these our letters, delivering them by you duly execute, and indorsed again to the bearer.

Given under our signet at Edinburgh, the eighteenth day of June, one thousand six hundred and seventy-four years, and of our reign the twenty-sixth year.

Per actum dominorum secreti concilii.

AL. GIBSON, *Cl. secr. Concilii.*

Follows the tenor of the bond.

I bind and oblige me, that I, my wife, or any of my children in family with me, my cottars or servants, shall not keep, or be present at any conventicles, either in houses, or in the fields, as the same are defined by the fifth act of the second session of his majesty's second parliament, under the pains therein contained, being for ilk house-conventicle, twenty-five pounds Scots, for each tenant labouring land, twelve pounds, for each cottar, and for each servant man a fourth part of his year's fee, and the husband the half of these fines, for such of their wives or children as shall be at any house-conventicle, and the double of the respective fines for each of the said persons that shall be at any field-conventicle. And for the more security, I am content, and consent these presents be insert and registrate in the books of privy council, books of council and session, or other judges' books competent, that letters and executorials may pass thereupon, in form as effeirs, and constitute my procurators, &c.—*God save the king.*

Than the above proclamation and bond, we need not require a more affecting proof of the dreadful inroads that were at this time made on the civil and religious rights of the people of Scotland. The security here required from all proprietors in regard to their tenantry, &c., was

are to be put to the horn, and their escheat is given to their masters. Further, heritors are required, in time to come, to oblige their tenants in their tacks, or in separate bonds, that they abstain from conventicles: and an unlimited power is given to magistrates of towns, to charge all they think fit, and whomever they suspect, to give bond for their good behaviour. These unprecedented and unreasonable impositions, need only to be named to show their injustice and oppressive nature.

This proclamation secured some way against hearers, but another was found needful against preachers at conventicles. The substance of it I have already noticed upon the 4th of this month of June; now a new act, offering a reward to any who shall apprehend some rebels and others, is passed. It is printed June 16th, but in the records it comes in after the former. I have annexed it, at the foot of the page.* By this every one who seizes convocators to conventicles, or such who have been at them, so, as they may be convicted, are to 1674. have their fines, and in case of *contumacy*, their escheats: and whoever seizes any minister at conventicles, is to have 1000 merks, and 2000 merks for Messrs Welsh, Semple, or Arnot.

After these proclamations the council are not wanting in their prosecutions; it is but some few of them I can have room for here. Upon the 24th of June, they fine the town of Edinburgh in a hundred pounds sterling, for a conventicle, as they are pleased to reckon it, in Magdalene chapel in April or May last, at which Mr William Weir, Mr George Johnston, and some other outed ministers had preached.

On the morrow, June 25th, they pass a decreet against keepers of conventicles, in Fife. The tenor of such papers hath been already insert; and so I give only an abstract of it. The underwritten persons are before the council, and charged with being present

certainly a politic measure on the part of the persecutors; but it speaks volumes in reply to Sir George Mackenzie's absurd doctrine that no man ever suffered in Scotland save for rebellion! *Ed.*

* *Act of council for apprehending the rebels, June* 16, 1674.

Forasmuch as the keeping of field conventicles, and the intruding upon and invading of pulpits, are most unlawful and disorderly practices, tending to the disturbance of the peace, and to the affront of his majesty's authority; and notwithstanding the laws and acts of parliament prohibiting the same under high pains therein mentioned, the *ring-leaders*, promoters, and other persons guilty of the said disorders, are emboldened to commit the same, presuming that they will not be discovered and brought to trial and punishment: therefore, the lords of his majesty's privy council, for the encouragement of all his majesty's good subjects to discover and apprehend all such persons as are after mentioned, do hereby offer, declare, and give assurance, that if any person, being of his majesty's standing forces, or of the militia, or any other his majesty's subjects, shall seize upon, and apprehend any person or persons, who, since his majesty's late gracious proclamation, of the 24th of March last, hath convocated any number of persons to field-conventicles, or at any time hereafter shall convocate any persons thereto, or shall apprehend any heritors or others being at field conventicles, while the said persons are present at, or coming from the same, so that the said persons apprehended shall be brought to a trial, and shall be found guilty, and convict of the said offences, that the apprehenders of such persons shall have the gift of the fines of the said persons given to them: and in case any person or persons be cited for the said crimes and offences, and, after certification is granted against them for their contumacy and not appearing, shall be apprehended, the apprehenders of such persons shall have the gift of their escheats, and benefit arising from the said certifications. And whoever of the standing forces, militia, or others his majesty's good subjects, shall apprehend any minister or other person preaching at any field conventicle, or who hath preached since the said proclamation, or shall at any time hereafter preach at field-conventicles, or any of them; and whatsoever person or persons shall apprehend and seize upon any outed minister, who are not licensed by the council or any other person not authorised *nor* tolerate by the bishop of the diocese, who, since the time foresaid, have invaded or shall invade any pulpit or pulpits, the person or persons apprehending any of the ministers, other or persons foresaid, guilty of preaching at field-conventicles, or invading of pulpits, shall, for their reward, have paid to them the sum of one thousand merks; and for the persons afternamed, viz. Mr John Welsh, Mr Gabriel Semple, and Mr Samuel Arnot, the apprehenders shall have the sum of two thousand merks paid to them. And his majesty's subjects are not only warranted to seize upon, and apprehend the said disorderly persons in manner foresaid, but it is further declared by the said lords of council, that upon consideration of the condition of the persons who shall be apprehended, according as they have been more stickling and active in the said disorders, and the pains and diligence of the apprehenders and other circumstances, they will also consider what further reward shall be given to them for their service. And ordain these presents to be printed, that none pretend ignorance.

THOS. HAY, *Cl. secr. Concilii.*

1674. at conventicles held by Mr John Welsh, Mr Samuel Arnot, and others; they confess their being at conventicles, and are fined as follows; Sir John Kirkaldy of Grange in 550 pounds Scots, the laird of Reddie in 850 pounds, George Scot of Pitlochie in 1000 pounds, Pitcairn of Pitlour in 1050 pounds, Pitcairn of Latestoun in 200 pounds, Charles Cowan of Corstoun in 333 pounds, Robert Colvil in Balvaird in 100 pounds, Robert Schaw portioner in Auchmuty in 49 pounds, James Hamilton of Innerdivot in 150 pounds, —— Maxwell provost of Auchtermuchty 250 pounds, Mr George Heriot of Ramorney 983 pounds. And because it appears that the laird of Reddie harboured Mr John Welsh, a declared traitor, in his house, the council fine him in 2000 merks. Pitlochie, for his alleged impertinent and extravagant carriage before the council, is fined further in 500 merks. All of them are ordered to lie in prison till they pay the said sums.* To this diet forty or fifty more were cited, and, not compearing, are ordered to be denounced.

In the registers of this day's date, I find another decreet by the council against the keepers of conventicles in a garner-house of the laird of Stevenson, in the house of Mrs Douglas, relict of Mr Robert Douglas, and in a house alleged to be made up on purpose for conventicles, by Mr Robert Hodge, bailie of Lamington. The preachers at these places are Messrs David Williamson, Robert Gillespie, Alexander Knox, George Johnston, and James Donaldson. Pringle of Woodhead, for being at some of them, is fined in a fourth part of his yearly valued rent, and some others; and a good many of the meaner people, for noncompearance, are ordered to be denounced. I find John Pringle of Woodhead is liberate from prison, July 16th, upon paying 277 pounds Scots.

Upon the 30th of June, the council receive a letter from the king of the date, Windsor, June 23d. A copy of it the reader will find, inserted as a note.* In short,

* "They and the rest, as to their fynes and charges, amounted to the sum of 20,000 merks, and upwards, as themselves declared." "None of them was sett at liberty until they had fully paid their fynes; and yet some of them declared that if they would have taken the oath of supremacy, they would have been sett at liberty without a fyne."—Law, p. 66.—*Ed.*

* *King's letter to the council, against conventicles, June* 23, 1674.

Charles R.—Right trusty and well-beloved cousins and counsellors, right trusty and well-beloved councillors, and trusty and well-beloved counsellors, we greet you well: we did, by our proclamation in March last, grant a most full, free, and general pardon of all penal statutes, which we did extend so far towards the breach of penal laws, relating to church matters, that we at least expected more moderation, and temper, and patient waiting for our grant of further ease towards peaceable dissenters; but, instead thereof, we find that a desperate and implacable party have taken the boldness to rise to greater height of insolence, by invading of churches, keeping of seditious and numerous field-conventicles, tumultuous and irregular petitions, and that in open contempt of our authority, as if it were to brave us, and those that are in places of trust under us. Of all these disorders we had a full and particular account, though it was not by any solemn address, (which was wisely waved by the major part of our council in May last:) and, upon the true account we had of them, we wrote our positive commands, that you should use our utmost authority for vigorous suppressing and punishing the ring-leaders of these insolent seditious practices. This letter of ours ye received, upon the opening of our last commission for our privy council; and we are well satisfied with the committee you named, with the oath of secrecy they took, and with the orders were given, as also with the diligence of some in the execution of them. We have heard of that seditious petition of many women, and of their tumultuary carriage at the delivering of it: and we have likewise since been informed, that some of our guards of horse were resisted with arms in Fife, and that some of these armed rebels had been marked, by which means, we hope, you will find out who they were; and although we doubt not of your diligence in discovering and punishing these unparalleled insolencies, yet we have thought fit to renew again unto you our positive commands, that you do vigorously, in the first place, prosecute the trial and punishing of these contemners of our authority: we doubt not but they are fomented and encouraged by some who do not appear; and we know that endeavours are used to alarm our good subjects of this kingdom, as if a present rebellion were to be expected in Scotland, which we do not at all apprehend, because we are sure you have authority and power enough to suppress any such attempt: yet, for the better encouragement of our good subjects, we have given orders for divers companies and troops of our protestant subjects in Ireland to be drawn down to the sea-side in Ulster, ready to receive our further commands: we have also ordered troops to march to Berwick, to be ready if there shall be occasion; nor shall we leave any other means unattempted, for maintenance of our authority, and the peace of that our ancient kingdom. We know that the ring-leaders of those late rebellious and seditious courses are enemies to the Church-government established in Scotland by law, and yet it is not

"invading of pulpits, conventicles, and irregular arpetitions,are complained of; theyhave thanks for the committee that they named, the oath of secrecy they took, and orders given June 4th (N. B. That none of these are to be found in the registers of that sederunt); and the king doubts not, but the contempt of his authority is countenanced by some who do not appear, and acquaints them he hath ordered some troops in Ireland to be in readiness, if need be, to come over." There are several other things in the letter, which will come to be noticed in the following section. It is obvious this letter is penned with a design to reflect upon duke Hamilton and his party. I only notice further, that there are plain enough insinuations made, that ground had been given to presbyterians to expect further ease and favour. This was in part the occasion of the liberty they took this year; and their numerous and frequent meetings to hear their own ministers proceeded not from insolence, but they reckoned it a branch of their civil liberty, as well as religious, not to be imposed upon in hearing the gospel: and they were the more open, though very peaceable in their meetings, that the government might see the need of a far more extended liberty to presbyterians, when they could not but notice them so numerous on the south side of Tay, that they could never be accommodate by the few ministers indulged to preach. The council in a day or two make a return, and, July 2d, signify, "that they had received his majesty's commands in his letter May 19th (above noticed), and June 23d last, and had very seriously applied themselves to curb those disorders which did lately break out, and secure the peace thereof, and refer his majesty to an account sent with this to the duke of Lauderdale." They add, "And now we find that by your majesty's hearty and serious minding thus the interests of this church, and your strict commands, to punish those disorders, and what hath been done in obedience to these commands, that the insolence of that party is at a stand, and their seditious practices in a great measure abated. And we hope, by putting the laws in execution against the committers of these disorders, we shall in a short time reduce those who have been seduced, to their former quiet and peaceable submission to the laws: meantime we shall do our utmost diligence to find out and punish the ringleaders of these disorders; nor shall any thing upon our part be wanting, whereby we can witness our zeal to obey your majesty's commands in these, and all other particulars which your majesty shall be pleased to lay upon us."—Together with this, the council send up a letter to the duke of Lauderdale the same day, which, because referred to in the former, and (as it) contains an authentic account of the actings of this new council, I have insert here. 1674.

"May it please your grace,—The king's majesty, by his letter of the 19th of May, having required us to use our utmost endeavours for trying and apprehending the preachers at field conventicles, and invaders of ministers, as also the ringleading heritors at such field conventicles, and invasions of pulpits and ministers, and for that purpose

for their opinions, but their traitorous practices, that we intend to punish them. We hope that the greatest part of the dissenters from the church-government, are far from the countenancing such practices, and if those other had forborne those ways of violence and sedition, the peaceably inclined had found the effects of our grace and clemency before this time: but we will not endure a seeming force to be put upon us. The whole kingdom shall see that it is not seditious and tumultuary attempts, but only our own grace and goodness, can move us to any indulgence. Let the ringleaders of these disorders, which look too like rebellion, be once brought to punishment, and that seditious spirit be quelled, and then these that are and will be peaceable, shall quickly find how gracious we are to indulge as far as may consist with preserving the present government, and may not tend to the perpetuating of the schism. These our intentions we thought fit to declare unto you, to the end you may make them known in such ways as you shall judge most convenient, for undeceiving the simple, and preventing the peaceable from running into the same guilt with those who are desperate and implacable. In the meantime, we do again and again require you, to use your utmost rigour, in finding out, and bringing to just judgment the ringleaders of the aforesaid seditious and insolent practices, and for quelling that mad spirit. We expect your ready obedience, and a constant account to our secretary of what passes, or what you think fit to offer further for the ends abovesaid; and so we bid you heartily farewell.—Given at our castle at Windsor, the 23d day of June, 1674, and of our reign the 26th year. By his majesty's command,

LAUDERDALE.

1674. to make use of the standing forces and militia, if it should be needful: and by another letter of June 23d, his majesty renewed his positive commands to us, vigorously to prosecute the trial of conventicles, and punishing of the contemners of his majesty's authority, and to give an account of what is done by us; we have returned an answer to his majesty's letters, which relating to a particular account sent to your grace, we offer the same as follows.

"Upon the receipt of his majesty's first letter, we did immediately appoint a committee to take that affair into consideration, to which we gave ample powers; and they being informed of several field conventicles that had been, and were to be kept in Fife, Stirlingshire, and other places, did give orders to the officers of his majesty's forces, to suppress these conventicles, and seize the preachers at the same, and to apprehend certain outed ministers contained in a list, who had lately preached at field conventicles; and orders were given to quarter more troops of horse, and some companies of foot, in such places as we thought most convenient: for these ends, and the encouragement of his majesty's forces, and others his good subjects, to seize the ministers who preach at field conventicles, we have passed an act, whereby assurance is given of a reward of two thousand merks, to such as shall apprehend any of these ministers who are forfeited or excepted, and one thousand merks for others of them, and allowing the fines of such who shall be at field conventicles, to such as shall apprehend any of them. We have likewise issued citation against divers heritors, who were present and heard outed ministers who invaded pulpits, and against such as were at field conventicles, and proceeded against them according to law: and particularly, there being about forty persons in the shire of Fife (almost all of them heritors) cited upon the account of field conventicles, at some of which Mr John Welsh, a forfeited person, did preach; divers of them appearing, and being found guilty, were fined and imprisoned, conform to the act of parliament; and the rest being absent, certification is granted against them, and they ordained to be denounced.

"Likeas, notice being given to us, that a party sent to dissipate a conventicle kept in the Lowmonds did meet with resistance, orders are given to seize some persons who were informed to have been present at that field conventicle, that knowledge might be had who were the persons that were present, and who made the resistance; and accordingly, four persons being brought over, and examined thereanent, it could not be found by their depositions, who were the persons who made the resistance.* Warrant was likewise granted for citing those outed ministers, and others, who are informed to have kept field conventicles, since the date of his majesty's gracious proclamation. And it is thought fit, for securing the public peace, that the militia forces should be in a readiness to receive such orders as should be directed to them. We have ordered the colonels of foot, and captains of horse, on this side of Aberdeenshire, to have frequent rendezvouses, and to be careful that the same be punctually kept, and that the soldiers' arms be in good condition, fit for his majesty's service; and have given orders for securing the militia arms, in some shires of the kingdom. We have likewise, by missive letters to several sheriffs, required them to put the acts of parliament and council in execution against conventicles, and have given the like orders to the magistrates of several royal burghs, where conventicles of late are informed to have been most frequent, with warrant to them to apprehend the preachers at these conventicles; certifying both the sheriffs and magistrates, that in case of their remissness herein, we will proceed to fine them conform to the late act of parliament.

"A proclamation is also emitted, ordaining masters of families, that they shall be answerable for their servants, that they shall abstain from conventicles, and heritors, to that effect, for their tenants; or otherwise, declaring the heritors and masters liable to the fines incurred by their tenants and servants, through their contravening the law.

* I am informed, this anent the resistance was a mere story and lie, suggested by the primate, to quicken the council to greater violence.

We had also called before us the magistrates of Edinburgh, and fined them in a hundred pounds sterling, for the conventicle kept in Magdalene chapel: we are proceeding to the trial of that conventicle, for which several persons are imprisoned. Inquiry has also been made concerning the petition offered in a tumultuary way by some women, of whom divers being cited, these appearing, and refusing to give their oaths as to the points interrogated upon, are imprisoned, and certification is granted against such as were absent. We have likewise fined one of the heritors concerned in field conventicles, in the sum of two thousand merks, as having confessed he had reset Mr John Welsh in his house. But seing there are some doubts arise as to the council's procedure against persons guilty of that crime, we have transmitted a paper herewith, and desire your grace to acquaint his majesty of it, that we may know his pleasure therein.

"Those proceedings, we have found, have so good effects, and so good success, that we now hear little either of invasions of pulpits, or of field conventicles, even in these places where they were most numerous. And as in obedience to his majesty's commands, we are presently going about the further discovery of the authors of such insolent and seditious practices, that they may receive condign punishment (wherein we are resolved to use all diligence), so we are very hopeful, by the due execution of the law against transgressors, this kingdom will be shortly rid of those disorders, and his majesty's subjects, in a good measure, brought to a dutiful obedience and compliance with the laws. We are, your grace's affectionate," &c.

Together with the above letter to the duke of Lauderdale, the council sent up the following overture, anent the difficulties occurring to them, in taking probation about persons being present at field conventicles, which, the reader sees, they desire he may lay before the king.

Overture.

"The probation as to the keeping, or being present at conventicles, is very difficult, by reason that those who are convened, do refuse to declare upon oath, as to others, and as to themselves, they 1674. pretending they are not holden in law to declare upon oath, and accuse themselves, seeing their confession may import them in their life, and be the ground of a criminal dittay before the justices, the keeping of conventicles, as to some cases and persons, viz. those who preached at field conventicles, and those who convened to the same, being punishable by death; and sometimes, besides conventicling, there being a concurrence of other crimes and circumstances, of an high nature, as coming to their meetings in arms, and by way of convocation, the hearing and not revealing of seditious expressions against his majesty and the government, the intercommuning and resetting of declared rebels and traitors, forfeited and excepted out of his majesty's gracious declaration of pardon, or declared fugitives before the justices, as Mr John Welsh and Mr Gabriel Semple.

"It is therefore humbly represented, that it is fit his majesty's advocate be warranted to cause cite before the council, such persons as shall be informed to have been at field conventicles, to give their oaths thereupon, with certification they shall be holden as confest: and to take off the pretext foresaid, that his majesty by his letter, signify his pleasure to the council; and thereupon an act of council be made, warranting the advocate to refer the libel to the oath of the defender, and to restrict the same to arbitrary punishment; and declaring, that any person or persons who, being pursued before the council, shall declare or be holden confest, for, and upon their being at field-conventicles, or for hearing or resetting outed ministers, or others not authorized by law, though forfeited, excepted or declared fugitives, shall never be troubled or questioned criminally before the justices, or any other judicatory, for any such deeds referred to their oath before the council, or for any circumstance of the same. It is to be understood, that if the council think fit, the advocate may be ordered to pursue such persons before the justices, before they give their oaths, or be holden as confest before the council."

And that I may give the whole of this by

1674. itself; upon the 16th of July the council have a return from the king, dated upon the 10th, which it is needless to give at whole length. In short, he thanks them for their diligence, orders them to go on, and requires them to give warrant, and make an act in terms as above; to which they gave ready obedience, and turn their own overture into an act, which though it be just in the above terms, yet being the cause of as much trouble unto the suffering party, as almost any other act, it is proper to insert it in its new shape, as below.*

Reflections upon this overture now made an act, might be multiplied, but I leave them to the learned in the law. It is a natural observation from what is above, that most of the stretches and iniquitous impositions of this period, came originally from a set of men among ourselves, who put the king and those about him on these harsh measures. To me it appears much the same to force a person to swear against himself, when the libel is restricted to an arbitrary punishment, as in most part of criminal processes, and to hold him, upon refusing, as confest. Arbitrary punishment is very extensive, and we shall find that arbitrary fining in this period was equivalent to a forfeiture in most cases, yea, the fines were just calculated to exhaust gentlemen's estates: besides many other additional hardships, any thing, if I mistake not, under the loss of life or limb, or liberty, comes under the notion of "arbitrary punishment;" and it was all one to the pannels, whether they were rendered miserable by the council or justiciary. If the putting the matter of a crime upon the oath of a party be illegal and unreasonable, it is equally unreasonable, if not illegal, to put a matter of fact, the proof of which will ruin him as to every thing save life, limb, or liberty, upon his oath; and if he refuse to be an evidence against himself, to hold him as confest. Upon the whole, it is plain by this act, the persecutors had a sure game, go matters as they would: if they had witnesses, and reasonable and legal proofs, the advocate had room to bring the party before the justices, and get him hanged; if there was no proof, and the man refused to break the sixth command, then he is reputed as confessing, and the council can ruin him. And this was a short and easy way with absents, against whom they had no proof.

But I return to my accounts of the severities against the presbyterians for their keeping conventicles this year. Upon the 9th of July, the council pass another decreet against above fifty persons in Fife, for being at conventicles. We may easily guess whence all this severity against Fife comes: it was more than the primate could bear, to have his once fellow-ministers preaching Christ so near him; and those rigorous courses, and others afterward, ripened matters for his fatal end. None of the persons cited compear, but the lady Colvil, and interest had been made for her, and the managers began to blush a little at their rudeness to ladies of quality, otherwise it is probable she had not appeared. She brings with her a testificate, from the minister of the parish, of her piety; and she promises not to frequent conventicles, and is assoilied. All the rest, for their not compearing, are denounced.

A day or two after, the council pass a decreet against the town of Glasgow, for a conventicle kept in it by Mr Andrew Morton and Mr Donald Cargill. The decreet, *mutatis mutandis*, is in the same form with that against the town of Edinburgh; Glas-

* *Act of council anent these pursued for field-conventicles, July* 16, 1674.

The lords of his majesty's privy council, considering his majesty's letter, give order and warrant to his majesty's advocate, to cause cite before the council such persons as are informed to have been at field-conventicles, to give their oath thereupon; with certification they shall be holden as confest: also they give warrant to the advocate, to refer the libel to the defenders' oath, and restrict the same to an arbitrary punishment; and declare, that any person or persons, who, being pursued before the council, shall declare, or be holden as confest, for being at field-conventicles, or for hearing or resetting of outed ministers, or others not authorized by law, or forfeited, excepted, or declared fugitive, shall never be forfeited or questioned before the justiciary, or any other judicatory, for any such deed referred to their oath before the council, or for any circumstance of the same; but prejudice to his majesty's advocate to pursue such persons before the justices, before they give their oath, or be holden as confest before the council, as the lords shall give order thereanent.

gow is fined in a hundred pounds sterling, and they are allowed to have their relief off the persons guilty, according to the act of parliament.

Upon the 16th of July, —— Livingstone of Greenyards, and Farquharson of Chilbrae, are denounced, for being at a conventicle lately held at the Torwood, where Mr John Welsh, Mr Gabriel Semple, Mr Samuel Arnot, and Mr John Rae, preached. The same day Robert Ged of Bathridge being present is fined, for being at one conventicle, in the fourth part of his yearly rent; and Sir John Kirkaldy younger of Grange, for being present at two conventicles, is fined in five hundred and fifty pounds Scots. And as to the outed ministers who now and then preached at conventicles, they make a short work with them; and having before cited them to appear this day before the council, and they not appearing, they pass a decreet against them, which I shall insert, if once I had observed with one of themselves in some papers he hath left behind him, that their citation seems to have been given with a design they should not compear. Summons were not sent, as is ordinarily done, to their dwelling-houses, which were known, and to which there was *tutus accessus*, but they were cited from the market-cross. The day, as to many of them, was so sudden, that it was not possible for them to have notice, and make their journey against the time of their compearance: and such of them as had time to come in, upon inquiry found, that they might either lay their account with a confinement in some ugly prison, they knew not how long, or banishment for life. Upon these reasons none of them compeared; and, upon their absence, the following sentence is passed, which deserves a room in this place.

Decreet against several outed ministers, July 16th, 1671.

"Anent our sovereign lord's letters, raised at the instance of Sir John Nisbet of Dirltoun his majesty's advocate, for his highness's interest, in the matter underwritten, making mention, that where, by the 5th act of the 3d session of his majesty's 2d parliament, it is statute and ordained, that no outed ministers *who are not licensed* by the council, and no other persons who are not authorized or tolerated by the bishop of the diocese, presume to preach, expound scripture, or pray in any meeting except in their own houses, and to these of their own family, and that none be present at any meetings without the family to which they belong, where any not licensed, or authorized, or tolerated as said is, shall preach, expound scripture, or pray, declaring all such who do in the contrary to be guilty of keeping conventicles; and that he or they who shall do so, shall be seized upon and imprisoned until they find caution, under the pain of five thousand merks not to do so in time coming, or else to enact themselves to remove forth of the kingdom, and not to return without his majesty's license: and further, by the said act, that persons preaching, praying at, or convocating field conventicles, shall be punished with death. And whereas the intruding into churches and pulpits, which are sacred and privileged places is a practice most unwarrantable, and punishable as an high invasion and affront on his majesty's authority: nevertheless it is of verity, that upon the first, second, or remanent days of April, May, or June last, the persons underwritten, Messrs Alexander Lennox, David Williamson, Alexander Moncrief, John Rae, David Hume, Edward Jamison, James Frazer of Brae, William Wisheart, Thomas Hogg, Robert Lockhart, John Welwood, George Johnstoun, Robert Gillespie, James Kirktoun, John Weir, —— M'Killigen in Ross, Nathanael Martin in Buchan, Andrew Donaldson in Dalgety, John Christison in Coupar, William Row, Thomas M'Gill, Thomas Urquhart, Thomas Hogg sometime minister at Larber, William Erskine, James Donaldson, Patrick Gillespie, John Gray, James Wedderburn in Coupar, John Wardlaw in Dunfermline, Thomas Douglas, George Campbell, Francis Irvine, James Wallace, Andrew Anderson, John Munniman, George Hamilton, Andrew Mortoun, Donald Cargill, Alexander Partoun, James Wilson, and Robert Maxwells elder and younger, have, in open and manifest contempt of our authority and law, taken 1674.

1674. upon them to preach, expound scripture, or pray at conventicles in the fields, at the places following, at least in the houses after specified, where there were more persons present than the houses contained, so as some were without doors; at least did convocate numbers of people to their meetings, and have usurped and invaded divers churches and pulpits, viz. the said persons have kept private conventicles in Edinburgh, and convocated great numbers of persons thereunto, at Inveresk, chapel of Wolmet, Corstorphin, Restalrig, Borthwick, Kirklistoun, Gledsmuir, the laird of Stevenson's garner, Torwood, and divers other places in the Lothians, or near the said places; as likewise at Pitscotty Muir, Ravensheugh, Kinkell, Balmerinoch, Kinneswood, ——— beside Dysart, Glenveal, Sandford, Moonzie, Dunfermline, Dundee, Pittenweem, Lathones, East-barns, Dumfries, ——— in Perthshire, ——— in Buchan, Magdalene chapel in Edinburgh, in or near the town of Glasgow, and at divers other places, or one or other of them, or near to the same; and most presumptuously have invaded, or intruded themselves into the pulpits and churches of Cramond, Forgan, Kirkmaho, &c. whereby the said persons have directly contravened the said acts, and incurred the penalties which should be executed with all rigour to the terror of others. And anent the charge given to the forenamed persons, at the market-crosses of Edinburgh, Haddington, Linlithgow, Stirling, Perth, Coupar, and Lanark, by dispensation, because they have no places of residence, to have answered to the foresaid complaint, and seen and heard such order taken thereanent, as appertains, under pain of rebellion; and being many times called, and not compearing, the lords of his majesty's privy council ordain letters to be directed to a messenger at arms, to denounce them his majesty's rebels, and to put them to the horn.

The above-mentioned reverend minister observes, these were the witnesses now driven to the wilderness, and their ministry was a kind of outlawry; and that some of these worthy persons cited and denounced, were dead, and got above the rage of their persecutors: others of them were preaching in churches by virtue of the council's indulgence; and some of them had never offended since the king's indemnity. However, they were put to the horn, and their moveable escheats declared to be fallen to the king; but I dare say neither he nor his courtiers would be much enriched by them.

Much better hand was made with several gentlemen at this time. Accordingly, upon the 23d of July, the council fine Harry Pitcairn of Larestoun in twelve hundred pounds, —— Pitcairn of Pitlour in two thousand merks, George Scot of Pitlochie in a thousand pounds, Charles Cowan of Corstoun in a thousand pounds, by and attour the sums they were liable to and fined for their being at conventicles, upon the account of their harbouring and resetting Mr John Welsh.* They were all cited to this day, with some others, and whether they compeared or not it does not appear;

* Sir George Mackenzie's account of the conventicles, and of Mr Welsh, in particular, is exactly what we might have expected from a man of his principles and prejudices, but it may be read with interest. "Immediately after Lauderdale went to London, the fanatics began to preach openly every where; and one Master Welsh, grandchild to the famous Master Welsh, who had been banished, did keep field conventicles in Fife, drawing at first the rabble, but at last even the gentry, to follow him. He was a person of much courage, but no parts; and yet his courage was more raised by the hopes he had that the chancellor being dissatisfied would be pleased to see that the present government could not suppress these insolencies; though he and all the other fanatics did pretend that the dutchess of Lauderdale had promised to procure them indulgences, and it is probable that, to amuse so strong a party, she had used some such womanly compliances. Nor did these confusions contain themselves long in Fife; for they soon, like feeding flames, seized Lothian, where many pulpits were entered by their preachers; and even the Magdalene Chapel of Edinburgh was broke open by them," &c. p. 273.

We have here a testimony to the strength of the covenanting interest at this time, and a hint at what is now known to be a well established fact, that the secret favour which many ladies of rank, even among the adherents of the government at this time, cherished for the persecuted presbyterians, was under Providence one great means of softening the rigour of the persecution. We may notice the dutchesses of Hamilton, Lauderdale, and Rothes, as distinguished instances of this. Sir George certainly estimated the talents of Welsh at too low a rate; and he steps out of the dignified path of a *true* historian when he presumes to ascribe sinister motives to Welsh and the dutchess.—*Ed.*

the council put themselves to no trouble, absents were held as confest, and such who were present and refused to depone against themselves, were held as guilty, and committed to prison until they paid their fines. At the same diet of council, the magistrates of Perth are appointed to seize Mr Alexander Moncrief an outed minister, and they term him, "a noted keeper of conventicles in and about Perth." Archibald Douglas of Cliftonhall is fined in three hundred and eighty-one pounds upon his confessing he had been present at conventicles. James Maxwel provost of Auchtermuchty is fined in two hundred fifty-two pounds, for being at conventicles; and the council, upon the 28th of July, write a great many letters to the royal burghs through the kingdom, appointing them to put the laws against conventicles in strict execution, and in case of failure, assuring them they will exact the fines from them with all rigour.

These particular acts of severity by the council themselves, did not fully satisfy the enemies of the suffering presbyterians; and now the time of vacation was drawing on, therefore a new project is fallen upon, for making the persecution on the score of conventicles the more extensive, and a commission is drawn in the king's name to several persons in different districts, with full power to such as are named to execute the laws against nonconformity. It may suffice to set down here the general tenor of their commission, and to give their instructions at length, as they stand in the council registers. In the commission running in the king's name, his majesty is made to take notice, "That after his gracious indemnity, March 24th, he expected a better observation of the laws; yet since that time he finds that divers factious and seditious persons have kept both house and field conventicles, and others presumed to invade pulpits and churches; therefore, considering that the laws in time of vacation may be best executed by commission, he grants full power to the lord chancellor, earls of Mar, Kinghorn, Kelly, Weems, and Kincardine, the treasurer, depute, and laird of Ardross, or any three of them, to execute the laws against conventicles, irregular baptisms and marriages, in the shires of Fife and Kinross, to cite, examine, fine, confine, and imprison, and to do all things necessary for punishing disorders; to the chancellor, duke Hamilton, lord privy seal, earls of Argyle, Mar, Linlithgow, Dumfries, to the lords Dundonald, and Ross, or any three of them, for the bounds of Stirling, Perth, Lanark, Dumbarton, Renfrew, and Ayrshires: and their first meeting is appointed at Stirling, August 18th. And lastly, to the chancellor, earls of Caithness and Linlithgow, lord Belhaven, lord register, advocate, Collingtoun, and the laird of Niddry, or any three of them, for Edinburgh, Linlithgow, Haddington, Selkirk, Peebles, Berwick, and Roxburghshires."—This commission bears the date of July 30th, and the following instructions are given to the commissioners. "1st. You are to take special care and notice of, and proceed most vigorously against such persons as you find to have been most eminent in keeping conventicles, invading of kirks and pulpits, and ringleaders thereto, and those who have convocated persons thereto, and that you begin with the most substantial persons. 2dly, You are to proceed against some of the most substantial persons or others, who have been in use to frequent public ordinances, and of late have withdrawn. 3dly In cases where you find persons to have been seduced to disorderly practices, and have not been engaged therein upon any principles of disaffection to the present government, and where they are content to engage for their good behaviour in time coming, you are empowered to remit somewhat of the rigour of the law; or if you find cause, to pass them altogether. 4thly. You are to call for an account from the sheriffs and others, anent the signing the late bond against conventicles. 5thly. You are empowered to call for any part of the standing forces or militia, as shall be within the bounds of your commission, and give them such orders and directions as you shall think fit. 6thly. You are empowered to alter or change the quarters of the forces in the bounds of your commission. 7thly. You are to correspond, as you find needful, with the other commissioners. 8thly. At

1674.

1674. your first meeting appoint one to be convener. 9thly. You shall do all things necessary for the effectual prosecution of the king's service, which you shall judge most fit, and for settling the peace of the country. 10thly. You are to call before you such of the indulged ministers as have broken their confinement, and take such course with them as you shall think fit."

Jointly with this commission and instructions, the council appoint the advocate to issue out warrants to cite all persons concerned, before these commissioners; and he is to restrict the libel to an arbitrary punishment, that so they may hold the persons not swearing against themselves as confest. No accounts of the particular procedure of these commissioners are come to my hand. The reader will notice, there are none of the bishops mixed in with them, and it is probable their procedure was not the more severe that it was so: their instructions are more moderate than usual at this time, and since I have no accounts of their severity, there is ground to think more temper hath been kept at this time than we shall meet with afterwards.

Upon the last of July, the council write up another letter to the duke of Lauderdale, giving an account of their procedure since their last of this nature, and I shall insert it here, as their own account of what I have been pointing at. It contains some things relative to matters of fact, which will come to be accounted for in the following section, but I give the whole of it as it stands in the records.

Letter to the duke of Lauderdale, July ult. 1674.

"May it please your grace,—Our letter to your grace, of the 2d of July, did contain a particular relation of our proceedings until that day, and seeing his majesty hath required us to give constant accounts to your grace of what passes here, we return this further account of our proceedings since that time, to offer to his majesty, as your grace shall have opportunity.

"There being about forty-four outed ministers cited before us, as guilty of keeping conventicles, and none of them having compeared, letters are directed to denounce them. And there being eighty persons or thereby in Fife, cited for conventicles, such as did compear, and were found guilty, were fined, and imprisoned; and the rest being absent, are declared fugitives, and their escheats are appointed to be taken for his majesty's use. Some likewise of the heritors of Fife, who had been formerly fined for conventicles, being processed for resetting Mr John Welsh, upon confession thereof are fined upon that account, and are to continue in prison till they make payment of their fines. The magistrates of Glasgow being called for conventicles, kept in their burgh since the 24th of March last, were, upon their confession, fined in a hundred pounds sterling. We are proceeding in trying the tumultuary meeting of women, which was in the Parliament-close: some of them have of late been imprisoned, for refusing to depone concerning the persons present, and other circumstances of that business, and the absents are ordered to be denounced. These burghs who were ordered to proceed against conventicles, have, for the most part, returned a good account of their procedure and diligence; and letters are writ to the magistrates of burghs, on this side of Tay, to the same purpose, requiring them to cause their burgesses take the bond subjoined to the late proclamation, and to return an account thereof. Upon information, that in some shires the oath of allegiance was not taken by the officers and soldiers of the militia conform to the act of parliament, orders were given for a new day's rendezvous, that the oath might be taken, and the militia arms in the shire of Stirling, which, by order, were secured in the Castle of Stirling, and these of Dunbarton secured in the Castle of Dunbarton, are ordered at the rendezvous to be restored, and the heritors required to be answerable for them. And to the end his majesty's standing forces may be always in readiness to do their duty, and to prosecute such public orders as shall be given them, we have ordered any parties of them who are quartering for excise, and others his majesty's dues, to be called in; and appointed that the militia forces, in time coming, shall be only made use of to quarter for these

dues. We have recommended to the archbishops and bishops, in their dioceses respective, to take notice of any persons who take upon them, without license, to teach public schools, to be chaplains to families, or to be pedagogues to the children of persons of quality, contrary to the act of parliament, and to report their names to us betwixt and the 1st of November. We have caused intimate his majesty's pleasure, exprest in his letter of the 10th instant, to the bishop of Dumblane, Mr Turner, Mr Robertson, Mr Cant, and Mr Hamilton, and required them to give obedience accordingly. We have, for the better discovery of the persons guilty, and for preventing the like disorders for the time coming, granted commission to some of our number, within certain bounds, to proceed according to law, against persons guilty of conventicles, invasions of ministers and pulpits, and other disorders mentioned in the commission, who are to meet in time of vacance, and to them we have given special instructions; which commissioners are to meet at Edinburgh, Stirling, and Coupar, the 18th of August next. We are, your grace's," &c.

In the month of August, the council have a recess, and do not meet till their members return from the several bounds whither their commissions above narrated carried them: but, in the beginning of September, I find them together again, and a letter from the king is read, "commending their diligence against conventicles, and acquainting them, that for the strengthening their hands under him, in maintaining the laws and government, he resolved to raise some more forces, and orders them to raise a thousand foot, and three troops of horse." This letter bears date August 25th. Whether this was to gratify some people who could not be otherwise provided for than in an army, in a time of full peace, at the expense of the country, or for some other end, I know not. The suffering party were more and more harassed by this increasing of the standing forces.

This same day, September 1st, the council grant warrant to apprehend Mungo Lockhart of Harwood, William Liston of Collunun Easter, George Tennant and John Brown in Calder, who were informed against, as having been at a conventicle lately in Calder-muir, and to have resisted a party of the guards who came to dissipate them. What followed upon this warrant, I know not; no more about these persons occurs in the registers. At the same sederunt, the council ordain letters of horning to be directed by their authority, upon the decreets of all sheriffs, bailies of regalities, and all other inferior magistrates, against persons guilty of being at conventicles, and other such disorders, and grant warrant to the clerks for that effect. 1674.

Upon the 2d of September, they receive the report of the procedure of the several commissions granted in July against conventicles, and approve the commissioners, and add some others to their number; and, in answer to a difficulty proposed from some of them, they appoint, "that whereas it hath occurred, and may hereafter occur, that persons cited to appear before the said commissioners, may propound their defence *quod res est hactenus judicata*, they having been already pursued before other competent judges; the lords declare, if the defences propounded be by any other than the party cited and compearing, they are to be repelled, and certification granted notwithstanding thereof: but if the parties be compearing, the commissioners, before answer, are to examine whether they have been fined and proceeded against according to the act of parliament, and if they have made real payment of their fines, and such other circumstances as they shall think fit; and thereafter to sustain or repel the said defence, as they shall find cause." It appears hard enough to reject the defences given in for the pannels merely because they themselves were absent, having little ground to expect they would be judged twice for the same supposed crime: and these commissioners were thus made a new inquisition, after the severities formerly exercised.

Towards the close of this month, September 29th, the council meet again, and have a letter from the king, of the date of the 22d of September, read, writ, no doubt, upon informations sent up by private letters to court. His majesty expects special diligence to be used anent a conventicle near the

1674. border of West-Lothian, where some armed men fired upon the guards. I take it to have been the above specified at Calder-muir. It is his pleasure they take particular notice of the conventicles, and other unlawful practices at or near Cardross: he adds, that he is informed that some of his guards, by their order, apprehended one King, who was set at liberty on caution to appear; and seeing the lord Cardross did, in a peremptory petition, complain of that man's being taken, who he owned to be his domestic, the council are ordered to require that lord to bring him back to prison, and not to give over till that business of countenancing and keeping conventicles, at or near Cardross, be exactly tried according to law. Accordingly, that excellent person the lord Cardross appears before them October 1st, and is appointed to produce Mr John King against November. He answered, what the council demanded was not in his power; and that the council, by their orders, had taken Mr King from him; and, after imprisoning him for some time, liberated him, and since that time he was not in his service. Mr King for some time escaped their fury, but afterwards, as we shall hear, fell a sacrifice, and my lord wanted not after-harassings. At the same diet of council, they approve the proceedings of their commissioners for conventicles, and Hugh Stevenson, one of their clerks, had the fine of five hundred merks gifted him, which was uplifted from Mr John King's cautioner, for his noncompearance when called, according to the bond given for him.

In December, Claud Hamilton of Barns, in the shire of Dumbarton, applies to the council, for a stop to be put to the diligence gone out against him. This gentleman had been fined by the bailie of the regality of Kilpatrick, in a fourth part of his rent, for his being at one conventicle in a house, and had paid his fine. The commissioners who met at Stirling, having called him before them, and he, knowing he had already satisfied the law for that supposed crime, did not compear, and was denounced. The council are so just as to put a stop to the letters against him. Upon the 3d of December, Henry Angus and James Jaffrey were brought before the council. When they appeared before the commissioners at Stirling, they had no evidence against them of their being at conventicles, and refer the matter to their oath: these two men refused to swear against themselves, and had been remitted to this diet of the council. The lords ordain them to be banished from the shires where they live. Thus the reader hath a pretty full account of the procedure of the managers against conventicles this year. I come now forward to touch at some other occurrences in this period.

SECT. II.

Containing an account of several other occurrences this year, 1674.

In this section I come to glean up some further things which fell out this year; most of them have a reference to suffering presbyterians, and any other thing I notice shall be only what is necessary to clear up their state and circumstances.

Some particular hardships upon ministers and preachers in the beginning of this year, deserve the reader's notice. Upon the 8th of January, Mr Matthew M'Kail, of whom some account hath been given already, was liberate from prison, where he had been for some time; upon his refusing to engage not to preach, he was confined to the parish of Carluke, and bond was given for him that he should appear before the council when called.

Towards the beginning of February, Mr James Mitchell, of whom before, was taken and committed to close prison. The best account I can give of the procedure against him at this time, is from two letters writ by the lord Halton to the earl of Kincardine, and from the council and justiciary registers. The first letter runs,

"*Holyrood-house, February 10th*, 1674.

"Upon Saturday morning, one Mr James Mitchell, who was alleged to have assassinated the archbishop of St Andrews, was discovered and taken by Sir William Sharp and two of his brother's servants, and was by the chancellor's order made close pris-

oner. This day, by order of the council, he was examined by the lord chancellor, lord register, lord advocate and me, and stiffly denied the assassination; but being taken apart by the chancellor, upon assurance of his life, he fell upon his knees and confessed it was he who shot the bishop of Orkney, but that he aimed at the archbishop. The double of the confession signed by him and us, is here inclosed. I think his punishment will be the loss of his hand, and perpetual imprisonment in the Bass. I am," &c.

By the council registers, February 12th, "Mr James Mitchell, who was in the rebellion 1666, and was imprisoned for the assassination intended against the bishops of St Andrews and Orkney, is remitted to the justiciary, and the advocate is ordered to pursue him." The other letter of my lord Haltoun refers to this, and I insert it here.

"*Holyrood-house, February 12th*, 1674.

"This day Mr Mitchell, who assassinated the archbishop, was examined again in face of council, and said nothing but what he said to us in the committee. He is remitted to the justice court to receive his indictment and sentence, to have his right hand cut off at the cross of Edinburgh, and the forfeiture of his whole goods and property This last part is not to be put in execution till his majesty be acquainted, because assurance of life was given him upon his confession. The cutting off his hand is to be executed by the hand of the hangman. I am," &c.

From the justiciary records, I find Mr Mitchell is brought before that court upon March 2d this year, and an indictment and libel is produced against him and read, which I have insert below.* The substance of it, and reasonings upon it, will come in four years after this, at his second process; and I shall here say no more of it, but only that Mr Mitchell denied his libel, and offered himself to probation, knowing it could not be proven, being advised not to lay too much weight upon the assurance of his life given him. The lords of justiciary continue this affair until the 25th of March. Meanwhile, upon the 12th of March, the council have this matter again before them, and come to pass the following act; which, as giving a short view of this matter, and what afterwards was refused, though it stands yet in the registers from which I extract this copy faithfully, is proper to be insert here. 1674.

"*Edinburgh, March 12th*, 1674.

"The lord commissioner his grace, and lords of his majesty's privy council, having appointed a committee of council to examine Mr James Mitchell, prisoner in the tolbooth of Edinburgh, the said Mr James being brought before the said committee, did make a free and voluntary confession of his accession to the rebellion, and rising in arms in the west; and that after he had notice of the same, he went from Edinburgh with colonel Wallace and others, and joined the rebels there, and from thence came alongst, and was with them until the night before the fight at Pentland Hills; and that at the desire of captain Arnot he came then to Edinburgh to speak to some persons there concerning them: and being examined upon the attempt made upon the person of the archbishop of St Andrews, and who shot the pistol at the said archbishop, when the bishop of Orkney was hurt, in the month of July 1668, he did declare, that at that time and in the day the said attempt was

* *Mr James Mitchell's libel, March 2d*, 1674.

Mr James Mitchell, prisoner in the tolbooth of Edinburgh, you are indicted and accused, That forasmuch as, by the common law, and by the laws and acts of parliament of this kingdom, rebellion against his majesty's sacred person or authority, and the rising in arms in rebellion, and joining and keeping correspondence with these who are in rebellion, and all accessory to the same, are deeds and crimes of high treason and lese-majesty, and punishable with the pains of treason, and forfeiture of life, lands, and goods; and by the common law and laws of nations, and by the laws of this kingdom, "murder, and the assaulting and attempting upon any person or persons, by way of forethought felony, *et per insidias et industriam*, of purpose and design to kill, are most atrocious and detestable crimes, and destructive and against the being of human society, and that security and confidence which is the foundation of all society, and is severely punishable; but especially when the same is committed upon the persons of counsellors. and other officers

1674. made, he was in the town of Edinburgh, and that he had bought the pistol which was about him, charged with three balls when he was apprehended, at that time the bishop was shot, from Alexander Logan, dagmaker in Leith-wynd; but refused that he was the person who made the said attempt, until having retired with

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who do represent authority, and are liable to mistake; or, when the same are committed upon the persons of counsellors, and other officers who do represent authority, and are liable to mistake and malice of wicked persons, for doing their duty; or, when the same are committed upon the persons of churchmen, bishops and ministers who are of the sacred function, and by the laws of all nations are privileged and secured, as much as can be, from the malice and sacrilegious attempts of wicked persons." And particularly it is statuted by king James VI. in his 16th parliament, and 4th act thereof, "that whatsoever person invades, or pursues any of the lords of session, secret council, or any other his majesty's officers for doing his majesty's service, should be punished with death." And by the 17th act, parliament 1st, of his majesty's royal father, in anno 1633, entituled, "anent invading of ministers," it is statuted, "that the same should be extended to all archbishops and ministers whatsomever." And by the 4th act of his majesty's 2d parliament, and 2d session of the same, it is statuted, "that whatsoever persons shall be guilty of the assaulting of the lives of ministers, that they should be punishable with the pain of death, and confiscation of their moveables." And by the laws and acts of parliament of this kingdom, "the mutilation and dismembering of any of his majesty's subjects, by way of forethought felony, is an high and capital crime, and punishable with the pain of death." Nevertheless, having shaken off all fear of God, and conscience and sense of duty, loyalty and allegiance to your sovereign lord and king, and of humanity itself, you have presumed to commit the crimes foresaid, in so far as a great number of disloyal and seditious persons in the west, having, in the year 1666, risen and appeared in arms, in a most desperate and avowed rebellion against his majesty's government and laws, and having joined and modelled themselves in an army, under colonel Wallace and others, and having had the boldness to march through the country in a military and hostile manner, towards and near Edinburgh, the chief city of the kingdom, and to encounter and fight his majesty's forces, until the said rebels were subdued and suppressed; you was involved and enjoined with them in the said rebellion, and in the year aforesaid, 1666, and in one or other of the months of the foresaid year, and upon the several days of the same, or one or other thereof, having had notice from the said Colonel James Wallace, being in Edinburgh for the time of that rebellion, you, and the said Colonel Wallace, and captain Arnot, and divers others, went out of Edinburgh about eight a clock at night, and immediately rode towards Ayr, and joined with those who were in the rebellion in the said burgh of Ayr, and stayed and went along with them in arms, until the said rebels came near Pentland; and, the night before the defeat at Pentland, you came to Edinburgh, at the desire of captain Arnot, an officer, and a person eminent in that said rebellion, and thereafter forfeited and executed for his accession thereto, to speak, as you pretended, with one Mr James Stirling, and Mr Robert Ferguson, who were then in Edinburgh, and were noted and known to be persons disaffected to his majesty and his government, and that anent and in order to an address, to be given in to the council, in behalf of these in the rebellion; but truly of purpose to propagate and promote the same, by your seditious practices and endeavours with those of the same principles, and that you might deprave and induce to join with you therein. His majesty having, by his proclamation, upon the first notice given to his privy council of the said rebellion, declared all these who had appeared in the said rebellion, to be traitors, and having discharged all his subjects to assist, reset, correspond with, or supply any of them, under the pain of treason: and thereafter in the year 1666, after the said defeat at Pentland, his majesty, by another proclamation emitted by the advice of the privy council, having discharged and inhibited all his subjects, that none of them offer to harbour, reset, supply, or correspond to hide or conceal the persons whose names are therein exprest, and in special,——Maclellan of Barscob, —— Cannon of Mardrogat, Mr John Welsh, and you yourself, as appears by a proclamation, of date 4th of December, 1666, and likewise his majesty, by a proclamation dated 1st October, 1667, having, out of his royal clemency and tenderness, and of his special grace and favour granted his full and free pardon and indemnity to those who were engaged in the said rebellion, excepting always from the said pardon the persons therein mentioned, and in special the said —— Cannon of Mardrogat, colonel Wallace, and Robert Chalmers brother to Gadgirth, —— Cannon of Mardrogat younger, and Mr John Welsh, with you yourself. Nevertheless you, though declared traitor, and a person excepted from his majesty's pardon by the proclamation foresaid, and whom his majesty's subjects were thereby discharged and inhibited to harbour, reset, supply, or correspond with, under the pain of treason, you had the boldness, and did presume to repair and come to Edinburgh, and after the said proclamations in the said years 1666 and 1667, and subsequent years, you did stay within the said city and town of Edinburgh divers months, at least days, and did converse, not only with persons of your principles, and who had been in the rebellion, but with others of his majesty's subjects, involving them with the contagion of your company and conversation, and bringing them under the compass of the certifications contained in the said proclamations, as favourers of the said rebellion, and accessory thereto, and guilty of the same. Though you had a long time for breathing and for repenting of your rebellion, and treasonable and wicked practices foresaid, and was not brought to condign punishment for the same, by a strict and exact search and inquiry which might have been used upon you, a notorious and declared traitor, and excepted, as said is, from all pardon, yet you was so far from making that use

one of the said committee, he did confess upon his knees he was the person, upon assurance given him, by one of the committee, as to his life, who had warrant from the lord commissioner and secret council to give the same, and thereafter did freely confess before all the lords of the said committee, that he shot the said 1674.

which you might and ought to have made of the said forbearance, that on the contrary you persisted in your wickedness, and proceeded to another step of your impiety and barbarous cruelty and inhumanity, and conceiving a deadly malice and hatred against the reverend father in God James archbishop of St Andrews, a person who had never known or seen you, so as to take any notice of you, much less had given you any offence, without any ground or warrant, and upon account, only that he was promoted and advanced by his majesty to be archbishop, and to be of his privy council, and did serve God and his majesty faithfully in the said stations and offices, you did contrive, resolve, and design the murder and assassination of the said archbishop, and in order thereunto, having bought and provided yourself of a pair of long Scots iron pistols, near musket bore, you did, upon the ——— day of ——— 1668, proceed, and did take the opportunity to execute and go about your horrid and cruel design, when the said archbishop in the afternoon of the said day, did come down his own stair, and was going into his own coach, being to go abroad upon his occasions, with the reverend father in God Andrew bishop of Orkney, and you having a charged pistol with powder and ball, did most cruelly and feloniously assault the said bishop, and did fire, discharge, and shoot the said pistol on them, being within the said coach; and God of his goodness having preserved the said archbishop, whom you intended to murder, you did by the same shot grievously wound the said bishop of Orkney, to the great hazard and danger of his life, so that having for a long time with a great pain and torture, and expense of blood, languished of the said wound, being in a most dangerous place, in the joining of his hand and arm, where there is a confluence of nerves and fibres, he is not recovered, nor ever will recover his health to that measure and vigour that he had and might have, if he had not gotten the said wound, and is mutilate and dismembered as to his arm and hand, so that he can make no use of the same: and after you had attempted and committed the said assassination and villany, *tanquam insidiator, et per industriam*, and by way of forethought felony, you did go away, and escaped through the multitude and throng that had gathered upon the noise of the said shot, having another charged and bonded pistol in your hand, of purpose and design to have killed any person who should have offered to take and apprehend you. The foresaid attempt being without any parallel, the circumstances of the same being considered, that it was committed by one who professed to be of the reformed religion, and who did pretend to be and serve as a chaplain in divers families, that it was committed upon persons of the sacred function, and fathers of the church, and that it was committed to the great scandal and disadvantage of the Christian religion, and in special of the protestant reformed religion, the professors and preachers of the same having so much declared against, and by their preaching and writing have expressed their detestation of such attempts and practices committed by persons, and owned by writers of the Roman profession, and that it cannot be instanced, that any of the protestant religion was guilty of the like attempt, upon the account of religion, and that the worst of men being ashamed to commit the villanies, for covering of the same, and for their security, do take the opportunity of darkness and solitude, in corners and solitary places; your malice was so implacable, that you was prodigal of your own life, to be master of the life of the said archbishop, and in the High-street of Edinburgh, in day-light, and in the face of the sun, and before many persons near about the said coach, or about a little distance from it, where you could not but expect to be presently seized upon, you did devote yourself, and did adventure to commit the said most villanous and wicked attempt: yet notwithstanding all the said aggravations and circumstances of horror, which might and should have possessed your conscience with horror and remorse, you did continue in your implacable malice, you did converse and keep correspondence with the said Robert Cannon of Mardrogat, and with ——— Welsh of Cornley, and ——— Maclellan of Barscob, declared and exeepted rebels and traitors, and had divers meetings with them, and upon discourse concerning that attempt, every one of the said persons putting it upon one another, when it was put to you, you said and uttered these and the like speeches, "shame fall the miss," and that you should make the fire hotter; and after the time and attempt foresaid, in the said year 1666, and subsequent years, months, and days of the said respective years, and on one or other of them, your guilty conscience disquieting and pursuing you, you did rove and go abroad several times to Holland, England, and Ireland, until divine justice did drive and bring you back to this kingdom, that justice might be satisfied and vindicated in some measure, where you had committed such great villanies. After your return, you did proceed to that height of boldness and confidence, or rather impudence, that you did repair to, and live in Edinburgh, and was married there with your wife, who is yet living, by Mr John Welsh, who is not only declared an excepted traitor by the proclamations abovementioned, but is forfeited for his accession to the said rebellion; and your boldness was so great in outdaring both God and authority, that for a long time you have been lodged, and has kept a shop near that place where the said archbishop doth and useth to lodge when he is at Edinburgh, until at length you was discovered and apprehended, having upon you when you was taken the same pistol which you shot when you committed the said attempt, which was found under your coat charged with powder and three ball, of purpose to attempt again and execute your bloody design against the said archbishop, at least against any person who should offer to take you. From all which premises it is evident, that you are guilty of the said atrocious crimes of treason, murder, and assassination, by way of forethought felony, and is a

1674. pistol at the said archbishop, and did subscribe his confession in presence of the said committee, which is also subscribed by them. And thereafter the said Mr James, in presence of the commissioner his grace, and council, did renew and adhere to the said confession, both as to the accession to the rebellion, and the attempt foresaid, and acknowledged he made the said attempt, because he thought the said archbishop had a hand in troubling and persecuting those that were in the rebellion. Nevertheless, being brought before the lords of the justiciary, and asked if he did own the confession foresaid, he did altogether refuse to answer and adhere to the said confessions, notwithstanding he was told by the lords commissioners of justiciary, that if he would adhere to the said confessions, he should have the benefit of the said assurance, and if otherwise, he should lose the same: therefore the lord commissioner his grace, and lords of his majesty's privy council, do declare that they are free, and that the said Mr James ought not to have the benefit of any such promise or assurance, and that the same is altogether void, and the lords of the justiciary and the assize ought to proceed without any respect to the same. And further declare, that the said Mr James Mitchell is the person intended, and meant in the proclamations in the year 1666 and 1667, discharging any intercommuning with the rebels therein mentioned, and excepting the said Mr James and other persons therein from his majesty's favour and indemnity, and no other under the name of Mr James Mitchell, though there had been any other of that name involved in the rebellion."

Matters being thus prepared for the severe procedure of the criminal court, upon the 25th of March Mr Mitchell comes again before them, and now he must adhere to his judicial denial of all libelled against him; and there being no probation besides his foresaid confession now retracted, the lords of justiciary, with consent of his majesty's advocate, desert the diet, and Mr Mitchell, after continuing some time in prison, is sent to the Bass, and his business is still put off from time to time until January 1678, when we shall meet with him again.

The last particular prosecution in the entry of this year which I name, is of the pious and learned Mr Thomas Forrester, since the revolution professor of divinity in the university of St Andrews, whose memory is savoury in this church, and who being dead yet speaketh, by his solid and learned writings against episcopacy. This excellent man had for some years been under difficulties to join with the present constitution of the established church, and the longer he made his observations upon the procedure and practices of the prelates and their underlings, the greater his, and several other worthy men's scruples anent conformity, came to be: and last year he came to part with them, and this year his persecution begins. Mr Forrester had his pastoral charge at Alva, in the presbytery of Stirling, and since the beginning of the last year he had deserted their meetings; whereupon their clerk, by their order, sends the following letter to him, dated August 7th, 1673.

"Reverend Sir,—Ye being absent yesterday on whom the addition lay, notwithstanding the presbytery was informed, that ye was in the town the night before, and have been several days absent from the presbytery formerly; the presbytery hath appointed you the exercise the next day, and that upon Coloss. iii. 12. and hath ordained me their clerk to advertise you thereof, and of the diet of the presbytery, which is yesterday come twenty days, or the twentieth and sixth of August instant: with certification, if ye do not keep the said diet, or give not a reasonable excuse for your absence, the presbytery will take such course, because of your contumacy, as is incumbent. Thus much from, Sir, your humble servant,

"Mr Alexander Murray, Pr. Clerk."

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percussor and sicarius, and of mutilation, and other crimes abovementioned, and that not only as to single acts of treason and rebellion, but of a complication and a continued tract and course of habitual rebellion and treason, and you are art and part of the same, and of one or other of the said crimes, and therefore the said punishments ought to be inflicted upon you as a traitor and murderer, and as guilty of the crimes foresaid, in an exemplary way, to the terror of others.

To this letter Mr Forrester made a return upon the 26th of August, which I give from a large manuscript account, of what passed betwixt him and the conformists, left by this excellent person, and kindly communicated to me by his son the laird of Dunaven. And it follows.

"*To the moderator and brethren of the exercise at Stirling.*

"In answer to your letter of the date August 7th, about my keeping the exercise, and your noticing and threatening me anent my withdrawing from the meetings now some considerable time; I have resolved, (instead of that full enlarged account, which I have ready in a paper by itself) at this time, to give you by these a hint of my reasons in general. *First*, It is evident by the present standing acts touching religion and church government, that all power or jurisdiction in the church, or its assemblies, either diatactic, critic, or dogmatic,* is fountained in, derived from, and ultimately referrible unto the magistrate's civil power, which frame I judge to be contrary to the word of God, the confessions of reformed churches, and our own church's judgment, consequently the keeping of the meetings (a badge of the acknowledgment of the lawfulness of this frame) to be unlawful; this frame of church government being clearly proven unlawful, by such as have written against Erastianism. *Secondly*, I find, since our first reformation, several oaths, vows, and solemn engagements upon this church and nation, against the prelatic frame of government, the obligation whereof I could never find convincingly disproved, but upon some search am persuaded, that the same are still binding on the nations and posterity. *Thirdly*, Upon some search into the controversy of church government, I have for a considerable time entertained the persuasion of the unlawfulness of the prelatic frame, as contrary unto the prescriptions in point of government set down in the word. If these foundations hold, the unlawfulness of the meetings cannot be questioned; and so long as I am thus persuaded, I cannot attend them in faith: he that but doubteth, is damned if he eat, and such as walk in darkness know not whither they go, and will lie down in sorrow in the evening of their day. Upon your demand, I shall exhibit these grounds somewhat enlarged in a paper I thought to have sent enclosed, wherein, if upon perusal, ye shall discover mistake, either as to matter of fact, or consequences therefrom deduced, I shall heartily embrace the conviction thereof. So remitting the premises to your serious and impartial consideration, rests, yours in all duty,

1674.

"THOMAS FORRESTER.

"Alva, August 26th, 1673."

The paper referred to here, is too large to be insert in the body of this history; but coming from so good a hand, and at such a juncture, it deserves a room here.* There

* It may be proper here to notice, once for all, that these three terms have been usually employed by writers on the subject of ecclesiastical power, to mark the various departments of that power, according to the subjects on which it may be exercised. The *dogmatic* (potestas δογματικη, respects δογματα, doctrines or articles of faith; and it implies the right of the church to draw up and exhibit articles of faith as grounded on the scriptures, and held as such, by all its members. The critic (potestas διαγνωστικη) respects discipline, or the exercise of judgment in inflicting and removing censures on ministers or private members; a power inherent in the church, and essential to good order and established authority over its internal concerns. The *diatactic* (potestas διατακτικη) respects διαταξις, ecclesiastical canons or constitutions; and the church is supposed to have the power of enacting such laws or canons as may be found essential to the order and government of its affairs; it being understood that such canons shall always be founded on, and agreeable to the word of God, and the authorized public standards. In the church of Scotland, as at present constituted, no new laws can be passed without the consent of at least a majority of presbyteries, to whom every overture on the subject is transmitted, and a distinct return made in writing to the general assembly. The assembly on finding that a majority of presbyteries have declared in favour of the proposed overture, enact the same into a law, and it becomes henceforth a standing canon or constitution of the church. A very distinct account of the nature and distinctions of church power may be found in Vol. III. of Principal Hill's very valuable "Lectures on Divinity."—*Ed.*

* *The copy of a paper which Mr Thomas Forrester offered to present to the brethren of the exercise at Stirling, containing the reasons of disowning the present church judicatories, and separating himself from them.*

It is evident by the present standing acts touching religion and church government, at

1674. are two copies of it before me much to the same purpose, the one designed for the presbytery of Stirling, and the other enlarged a little, by way of a testimony to the work of reformation, when he was forced to leave his flock. That which is annexed will give the reader a full view of this matter. This paper

and since the overturning of the established presbyterian government of this church, that all power and jurisdiction in the present church assemblies, either diatactic, critic, or dogmatic, is fountained in, derived from, and ultimately referrible to the magistrate's civil power; for whereas anno 1661, the exercise of presbyterian government was declared merely precarious during his majesty's pleasure, thereafter anno 1662, all church meetings were discharged, till authorized by the archbishops and bishops, then nominate by his majesty, upon their entering into the government of their respective sees; the presbyterian frame thus razed, as the foundation of the new structure, the disposal of the government is declared to be the crown right, and inherent perpetual prerogative, and thereupon the bishops are restored not only to their places in parliament, and accustomed dignities, civil (as in anno 1612, their spiritual power by them acclaimed, being by the magistrate one way or other compassed by packed church meetings, which that act of the magistrate, of the foresaid date, doth but suppose and ratify,) but likewise to their episcopal function, precedency in the church power of ordination and censures, and all church discipline to be performed by them, with advice (only) of such of the clergy, as they shall find (they themselves only being judges) of known loyalty and prudence; and it is expressly declared, that there is no church power, jurisdiction, or government, in church office-bearers or meetings, but what dependeth upon, and is subordinate unto the civil power and supremacy, and is authorised by the bishops who are accountable to his majesty for their administration. In the public act for the national synod, the members constituent, matters to be treated on, whether doctrine, discipline, or worship, the ratification of the constitutions, and enlivening them into church canons, is solely in the magistrate's power, their work being only to give advice to the magistrate without any decisive suffrage except what is precarious; and in the act for the high commission, the power of excommunication is put into the hands of persons merely civil: thus all spiritual power proceedeth from the civil, and is imparted to such persons, and by such communications as his majesty pleases. Now, this being the frame of all the present church judicatories, it is infallibly clear that it is merely Erastian, and by our divines who have written against that way, convincingly proven unlawful from the word of God. Amongst many convincing arguments lately insisted on by them, I hint only these, that these two powers civil and ecclesiastical, are distinct *tota genera*, both as to the original, the subject matter, the manner of working, and the nearest end designed, consequently that they are co-ordinate, not subordinate one to another. 2dly, That these were kept always distinct, distinct limits being put betwixt them, both in the Old and New Testaments: under the law, a standing priesthood and spiritual sanhedrim established, who were to meddle with matters of the Lord, distinct from matters of the king; that the judgment on Saul and Uzzias, was for going beyond their limit: and that under the New Testament, the Lord Jesus, the King, Head, and Lawgiver of his church, hath a visible kingdom which he exerciseth in and over the church visible, by its spiritual office-bearers given to it as a church; and therefore distinct from, and independent upon the civil power, the keys of the kingdom of heaven being by him committed not to the magistrate, but to the apostles' successors in the work of the ministry, Matth. xvi. 19. John xviii. 36, 37. 1 Cor. xii. 28. Eph. iv. 10, 11, 12. The incompatibleness of which two jurisdictions in one and the same subject, and *a fortiori*, the absurdity of monopolizing of supremacy, as to both in one person, is abundantly clear, both from that obedience required of all, without exception, within the church, to church rulers; as likewise the prohibition of civil power and greatness to these church rulers, and our Lord, the Head of his church while in this world, exercising supremacy in the government thereof, his peremptory refusal so much as to give advice by another arbiter in a civil cause, as a thing inconsistent with his office. 3dly, That as it is clear that this spiritual power was at first committed to church officers, when no magistrate was so much as a member thereof, and consequently to be exercised then independently upon him, so it is as clear that our Lord hath commanded the exercise of this power as intrinsic in the church, whether the magistrate be friend or enemy, upon moral perpetual grounds, till he come again. In the same manner it was exercised at first, the grounds insisted on by our Lord, in his epistles to the churches, ii. and iii. of the Revelation; as also by Paul in his Epistles, in pressing the exercise of this power, being taken from the vindication of Christ's honour, and guarding his ordinances from contempt, and keeping and transmitting them pure and entire, the correcting, shaming, and recovering of the obstinate, and the danger of infecting others, &c. which grounds are perpetually binding, and nowhere is the want of a Christian magistrate, (which Erastians say was the great ground of the exercise of this power, independently by church officers at that time) so much as in the least hinted at, although, according to this opinion, it had been at that time a most pertinent pungent argument. 4thly, The many dangerous consequences and absurdities, which they evidently show, following on the contrary doctrine, and owned by the chief patrons of it, as, 1st, The denying the divine right of a distinct gospel ministry, and of excommunication. 2dly, That the magistrate may, *pro libitu*, dispose of church meetings and matters, as falling within the compass of his dominion, which the apostle expressly disclaims, and is by our Lord discharged to church officers, it being clear from Scripture, that the magistrate's power is called properly a dominion, and, according to this opinion, he is a chief church officer. 3dly, That no church judicatory hath, in doctrine, discipline, or worship, any inherent, spiritual, decisive suffrage, being merely called

was never called for by the brethren of the exercise.

His quitting their meeting brought him very soon under the persecuting spirit of this time, and Mr Forrester was obliged to quit his charge at Alva, 1674. and he joined in with the persecuted presbyterians, and preached, that is, kept conven-

by the magistrate for advice, as the act for the national synod expressly bears, which cuts the throat of all church judicatories. 4thly, That the civil power should reach, as being the primary and proper subject of the keys to perform immediately by itself, all acts of the spiritual office-bearers, dispensing the word, administering the sacraments, yea, to stop any censure, to introduce any form of worship, to handle by its own proper elicit acts, all spiritual matters in civil courts, and lay aside all church judicatories, subjecting the ordinances of Christ's perfect Testament, sealed with his blood, to the arbitrary disposal of the powers, to cut and carve upon, according to their worldly interest. These, and many such like absurdities, striking at the root of religion and reformation, do clearly follow the forementioned way. Now, the attending these exercises, as they are called, being expressly required as a badge and acknowledgment of this power in the magistrate, and his ecclesiastic government, as being contrary to the word of God, the confession and doctrine of this church, acknowledgeth no authority or judgment in or over the church, but what Christ hath committed to church office-bearers under himself; which judgment of our church had the civil sanction added to it in parliament, the king himself being present, anno 1640-41. Therefore, this attendance cannot but, in these respects, be sinful and unlawful.

Reason 2d. I find this nation and church, since our reformation, hath taken on, and is yet under many public, solemn, sacred oaths and vows, against the episcopal frame of government; for whereas the second book of discipline, which overturns the government of the church by bishops, was approven in anno 1577, 1578, by the general assembly, and the then bishops, who had embraced the reformation, "ordained to attend as pastors one flock, and not to usurp the power of presbyteries:" and in the assembly at Dundee, in anno 1580, session 4. "the office of bishop was condemned and abolished by a particular act, declaring it unlawful and void of warrant, in the scripture, ordaining, under pain of excommunication, such as bruik the said office, to leave off the same, as an office to which they are not called of God, and cease from preaching, and administration of the sacrament, under hazard of the same censure, or using the office of a pastor, till they receive *de novo* admission from the general assembly." Which policy of the church, thus owned by the assembly, and contained in the forementioned book, the king and council were supplicate by the assembly to establish, till a parliament were holden to confirm it by a law; thereafter, in the same year 1580, the national covenant was sworn, in which confession and covenant "we profess to detest, in general and particular heads, all kind of papistry;" and as to discipline, "we engage to renounce the antichrist's worldly monarchy, and wicked hierarchy, joining ourself to this reformed church, in doctrine, faith, religion, and discipline, swearing by the great name of God, that we shall continue in the discipline of this church, and defend it all the days of our life. In the assembly 1581, it was subscribed by all its members, and the act of the assembly at Dundee was further explained, declaring expressly that the church did thereby wholly condemn the estate of bishops as they were then in Scotland; and then the confession of faith sworn before in the year eighty is presented to the assembly by the king and council, the king, the state, and the assembly, hereby fully agreeing as to this judgment in church government, and this oath for its maintenance; for at this very time the king's letter to noblemen and gentlemen was presented for complete erecting of presbyteries, and dissolution of prelacies. I find this oath *renewed* again anno 1590 and 1591. Again I find it renewed anno 1638, by that assembly, and its striking against prelacy fully cleared from the tenor of the church's proceeding before it, and after the taking thereof, as the narrative of their explanatory act fully cleareth, that the assembly 1639, did enjoin its subscription, according to this its genuine sense by their authority, and supplicate the privy council for an ordinance for its subscription, which was granted, August 30th. And anno 1640, the parliament by their act 5th did ratify this act of the general assembly, their supplication, and the council's act thereupon, which was ratified by the king in the large treaty, and thereafter by his personal presence at the next session of parliament, where all was ratified. I find that thereafter anno 1643, in that oath called the solemn league and covenant, the whole kingdom doth again swear to the preservation of the reformed religion of the church of Scotland, in doctrine, worship, discipline, and government, to extirpate popery and prelacy, and engaging to continue therein all days of our life. I find also that this oath hath been subscribed by all authority, both civil and sacred, and supreme judicatories of church and state. Now the matter standing thus, when these sacred, solemn, often renewed, public, and every way confirmed and authorized oaths of God, both by assemblies, kings, parliaments, and all ranks, should be loosed and dispensed with, I profess I see not; seeing in these engagements, beside the truth, morality, and necessity, objective of the matter sworn, there is a subjective necessity of many connected ties, both of an oath, a vow, a covenant with God and man, and likewise of a promise, a promise (which is a rational act, whereby a man declareth and ordereth his promise to another, called *lex privata*, obliging the soul, morally virtuous and religiously good, to a strict performance, as it is described by the schoolmen and casuists,) is clearly included in these oaths, the style of the national, specially the solemn league, being clearly promissory, as we shall endeavour the extirpation of popery, prelacy, &c. an oath also, (which is defined a religious act, wherein, for further security to others of what we believe, have done, or engaged to do, God is called on for a witness, the formality whereof lies in the invocation of his dreadful name, to attest the sincerity of our intent as to the matter

1674. ticles as opportunities offered, and had perhaps as many seals of his ministry, and as much sensible success in conversion, in Stirlingshire, Dumbartonshire, and other places, as many ministers in this church. In February 1674, he preached in some private houses in the town of Stirling, and the magistrates there found a way to

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sworn, and future performances, if the oath be promissory, which invocation, as a piece of divine worship, addeth highly to the promise its obligation) that an oath (I say) is clearly included in these engagements, is most evident, there being in the national covenant express mention made of our swearing by the great name of God, to continue in the discipline of this church, and defend it, &c. and in the solemn league the preamble is concluded thus, With our hands lifted up to the most high God, we do swear; and the clause of the last paragraph thus, And this covenant we make in the presence of the Almighty, the searcher of all hearts, &c. Allow also (which is by divines ordinarily described, *sponsio facta Deo in rebus Dei*, thus differencing it from a naked promise which is made to man in his matters, in which God is not only invoked as a witness and judge, as in an oath, but is the proper correlate and party) that these engagements (I say) do include, it is also evident by the whole style of the national and solemn league, importing a promise touching religion and reformation, which is to God in the things of God. A covenant also (including a promise for these things on our part, which his word revealeth to be our duty, as they made with God, when, on the promulgation of the law by Moses, they said, Whatsoever the Lord speaks we will do; on which ground, in the violation of the divine law, they are so often charged with breach of covenant) the rule of righteousness being now, God speaking from heaven to us, our engagement to these forementioned oaths, to the stricter observance of the divine law, do infallibly conclude them to be formally covenants with God, and in so far as there are mutual and reciprocal duties engaged, and a mutual stipulation betwixt men, there is also a covenant with and amongst them, and so all the strength and virtue of a promise resulting from the truth of men laid to pawn, not to be redeemed without fulfilling the thing promised, all the religion of an oath, because of the reverence we owe to the sacred name of God, "who will not hold them guiltless, who take his name in vain;" all the obligation resulting from a vow, because of the failie, we owe to God above all others, all the force of a covenant from the consideration of truth and justice; as these, I say, contribute to the strength of these bonds, and do evidently (all the premises considered) enforce their binding obligation and force upon the posterity, they being real and hereditary, like that betwixt David and Jonathan, 2 Sam. ix. 7. and xxi. 7. and that betwixt Joshua and the Gibeonites, Josh. ix. the breach whereof was severely punished on Saul his posterity, 2 Sam. ii. 12. besides, there being no rule or principle inferring the perpetual binding force of an engagement or oath, but what is clearly applicable to these mentioned, whether the permanent nature of the subject, here the subject is perpetual, the body of the people and their representatives, like that of Joshua and the princes to the Gibeonites, they are real, regal, parliamentary, national oaths and vows, Scotland's public faith engaged by all persons in all capacities, and so the subject engaging remains while any are succeeding in these capacities, and Scotland is Scotland, or in case the principle made use of for an oath's perpetuity, viz. a clause in the oath tending to perpetuity, be here applied, expressions, especially in the solemn league, point thereat, the posterity being expressly taken in; or if that rule touching the matter itself about moral duties, under the necessity of a perpetual command, having an evident lasting conveniency agreeable to the principles of truth and righteousness: if that rule, I say, be made use of, these engagements will be found perpetual; according to it reformation, public and personal, and of the church in doctrine, worship, and discipline, according to the word of God, without all doubt, being perpetual moral duties, according to the place and station of the engagers, and falleth under a perpetual command, the preservation of our religion and of ourselves from ruin, that we and our posterity may live in faith and love, that the Lord may be one, and his name one in the three kingdoms, the preservation of spiritual and civil liberties from the invasion of the enemies of both, being such great ends as have unquestionably an evident lasting conveniency, agreeable to the principles of truth and righteousness, and so carry along all the necessary force, whereby they were at first established to the posterity, even as the covenant and oath, Deut. xxix. 10. to which Moses engaged Israel upon the forementioned grounds, is declared by him to reach not only them that stood there, but likewise their posterity who were not there, it being the special thing among these things revealed, belonging to them and their children for ever, mentioned ver. 29, nay, oaths and obligations of far less moment are found thus obliging, as that which Joseph put on his brethren for carrying up his bones, Gen. l. which their posterity after, though imbodied in a politic state, punctually obeyed. The oath to save the Gibeonites, in which Joshua and Israel were cheated, nay the very vow of the Rechabites, touching a matter falling under no command, is opposite to this purpose, &c. Now the attending of these meetings as now modelled and authorized, being an express acknowledgment of the abolishment and loosing all these engagements against this frame of church government, I see not how these oaths can be cassate, and consequently these meetings lawful.

3. I have upon some search of the controversy about church government, entertained the persuasion that prelacy is contrary to that frame appointed in the word, and that an ordinary church officer assuming the government of some hundreds of congregations, as monopolized in him, and conveyed according to his pleasure to the ministers of these congregations, having sole power in ordination and jurisdiction and excommunication, with a negative voice in the synod, made up of the preachers in these congregations, whose proper work is ruling only, not feeding by doctrine, that such an officer is a monster to

discover where he was, and to apprehend him, of which they immediately despatched accounts to Edinburgh. February 19th the council write a letter of thanks to the magistrates of Stirling, for discovering a conventicle kept there, 1674. and taking Mr Thomas Forrester at it: a guard is likewise sent to bring him prisoner

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the scripture, and in many respects contrary thereunto; for 1st, It is most evident that the scripture acknowledgeth no distinction betwixt a bishop and a presbyter, or minister of a congregation labouring therein by word and doctrine, either in name or thing, neither doth it extend the name of bishop beyond the actual care of feeding the flock immediately, nor hath this office and relation any object or correlate, except the flock itself, not pastors of the flock, Tit. i. 5, 7. compared with Acts xx. 38. and 1 Pet. v. 2, 3, 4; that the whole episcopal power is in scripture appropriate to the presbyters, and they commanded ἐπισκόπειν and ποιμαίνειν, 1 Pet. v. compared with Acts xx. 2dly, That the scripture mentioneth no name or designation, no qualification, no ordination, nor work and duty, no operation of any ordinary church officer superior to presbyters, and which is not appropriate to them, they being called rulers, governors, overseers, bishops, and both ordination and jurisdiction appropriate to them, and all ordinary church power relating thereto, and included therein, and this without the least intimation of imparity amongst them in the exercise of this power, 1 Thess. v. 12. 1 Tim. v. 17. Heb. xiii. 17. compared with 7th ver. 1 Thess. v. 17. 1 Cor. v. 12, 13. compared with Matth. xviii. 17. 1 Tim. iv. 14. compared with 3d epist. John 9th ver. and the text first cited. 3dly, That the scripture acknowledgeth no imparity betwixt officers of the same kind, no apostle, no evangelist above another, but amongst officers of the same kind, whether ordinary or extraordinary, a perfect parity is held forth, and superiority and dominion discharged, Matth. xx. 25, 26. compared with 3d epist. John ix. and consequently (the force of the preceding reason taken in) imparity among pastors is condemned. 4thly, That preaching is the Lord's main commission, and discipline declared to be dependant on it, and wholly referrible to its ends, and the higher honour above ruling, attributed to the labouring in word and doctrine, 2 Tim. iv. 1, 2. compared with Acts xx. 28. Matth. xxviii. 19, 20. compared with 1 Cor. i. 17. 1 Tim. v. 17. and consequently to exalt ruling above preaching, and separate it from the same, attributing it to certain overruling officers, who are not tied to preach the gospel to any flock, must be point-blank contrary to the Lord's commission. 5thly, That the apostles, in the first constitution of the churches, placed presbyters therein, as the highest ordinary officers, to feed with the word and government, Acts xiv. 23. Tit. i. 5. with Acts xx. 17. 1 Cor. v. 4, 12. compared with 2 Cor. ii. 6. And lest these presbyters, as their immediate successors, committing their whole government to them in their last farewells to the churches, without the least hint of any superinstitution of any officers of an higher order, Acts xx. 28, 29. compared with 25th ver. 1 Pet. v. 1, 2, 3, 4. compared with 2 Pet. i. 14. Hence it may be argued, these whom the apostles placed as chief in the first constituting of the churches, and left as their successors, in their last farewells they gave the churches: these had no ordinary officers superior in the churches, but they first placed presbyters, feeding with word and government, and to these they commended the churches in their last farewells; *ergo, &c.* 6thly, That the Holy Ghost, speaking purposely of the several sorts of ministers Christ ordained in the church, 1 Cor. xii. 28. Eph. iv. 11, 12. Rom. xii. 6, 7, 8. where there is an enumeration of officers ordinary and extraordinary, and elsewhere, speaking frequently of the gifts and duties of ordinary officers, no mention is made of the bishop distinct from the presbyter, much less superior to him, nor of any duty or qualification proper to such an officer as thus distinguished; which argument is the more forcible, in that this negative inference from the scripture's silence in these places cited, is acknowledged by all sound protestants, valid to exclude the pope from the list of church officers, as no plant of Christ's planting; and why not also the archbishop and bishop, there being no mention made of the one more than the other? and whatever answer or evasion be made from the force of this argument, will necessarily coincide with these of the papists, for keeping the pope from the lash of these scriptures, as likewise, since the apostles are punctual in describing the duty and office of the meanest officer, the deacon, it is without all shadow of reason that the office and duty of such an eminent ordinary officer, as the bishop is supposed to be, should amidst such distinctions be wholly past over in silence. 7thly, That the apostles, prophets, and evangelists, are not succeeded in *eundem gradum*, but their complex office, and, taken in a formal sense, died with themselves, this including, as its specific formal difference, such things as are not proper to any ordinary officer, such as the manner of the apostles' mission, the universality of their inspection, their proper work and duty in founding churches, and planting the gospel government in them, their directive power, infallible miraculous assistances, &c., the prophets' extraordinary mediate revelation by afflations, breathings, and assistances, for opening up the scriptures of the Old Testament, and application thereof, for confirming the doctrine of the gospel, beside the revelation of things to come, in some cases, the evangelists their planetary motion from church to church, in watering where the apostles planted, and in carrying commissions and instructions from the apostles to the churches, and bringing from the churches reports of their state to the apostles, as is demonstrate in the many various journeys of Timothy and Titus, pointed at in the Acts of the Apostles compared with their epistles, consequently pastors, teachers, elders, and deacons, are the only ordinary officers, and no argument can be drawn for episcopal pre-eminence from either apostle or evangelist. 8thly, That the scripture acknowledges no majority of corrective power, and lordly pre-eminence and dominion in one church officer over another, but that this dominion is expressly discharged, 1 Pet. v. compared with Matth. xx. 25, 26. 2 Cor. i. 24. 1 Cor. iv. 1. with 3 John 9. Now in the epis-

1674. to Edinburgh, whither he came; and as the greater compliment to these zealous gentlemen at Stirling, the council send blanks to them to be filled up with names and charges, to bring in whom they please to Edinburgh. In Edinburgh prison Mr Forrester continued until the indemnity in March, and upon the 26th he petitioned the council, and was liberate.

When the state had indemnified this good man, the prelates and their underlings begin their attacks upon him; and the diocesan synod of Dunkeld, in April this year, pass a sentence of deposition against him, which was intimated by a messenger at arms to him, and another copy fixed to his church door. It deserves a room here.

"*Dunkeld, April 29th*, 1674.

"Whilk day the moderator and remanent brethren of the diocesan synod of Dunkeld, taking to their serious consideration the contumacious, disorderly, and schismatical carriage of Mr Thomas Forrester minister at Alva, in absenting himself of a long time from the meetings of this synod, and from the meetings of the presbytery of Stirling, whereof he is a member, and under his hand, in a letter to the said presbytery disowning all our church judicatories, and declaring them to be unlawful, and their exercise of government and discipline to be erastian, and that the politic form of government is contrary to many oaths, vows, and engagements, which he is persuaded are binding upon the nations and posterity, which is contrary to his engagements at his ordination extant with us; and withal considering his unchristian and unnatural forsaking his flock, and deserting his duty among them these seven months bypast, and that he seditiously and schismatically preacheth at conventicles, within the bounds of other men's charges, contrary to the laws of God, and to the warrantable laws, both civil and ecclesiastic, of this church and kingdom; for which seditious and wicked practices he has been already apprehended and imprisoned by the civil magistrate, and being formerly cited to appear at the meeting of our synod in October last, as also legally summoned to compear before this synod at this diet, and being often called and not compearing, therefore the moderator and brethren of the synod, moved with zeal to the glory of God, and care to suppress schism, and to promote the success of the gospel of Christ, and the peace of the church, and to discountenance division and disorderly walking, and out of pity of that poor people now of a long time deserted by him, and left to starve and stray, and become a prey to the devil and his instruments, do by these presents simply depose the said Mr Thomas Forrester, from the exercise of all parts of the holy function of the ministry of the gospel, and declare the church of Alva, in which he formerly served, to be now vacant; and ordain this our sentence to be intimated.

"Mr G. HALIBURTON, Moderator.
"Mr HENRY MALCOM, Clerk."

To this, in the copy left with him, was annexed the bishop's ratification, which I likewise add.

"We Henry, by the mercy of God bishop of Dunkeld, having seen and seriously considered the above written act of our synod, deposing Mr Thomas Forrester, minister at Alva, and the grounds and reasons

copal frame there is a majority of corrective power, such a professed dominion and lordly pre-eminence as no apostle had over evangelist, presbyter, yea, or deacons, or the church hath over any member, all her power being a mere executive declarative ministry, to signify and execute what Christ out of his supreme power will have put in execution. In the episcopal frame the bishop is a head deriving power of external government to others, all in the diocese being his substitutes; now what is antichrist but to be a head from whom power of external government is derived, the bishop is the same in his diocese, and what the pope usurpeth differeth only in degree and extent, not in kind, from what the bishop arrogates to himself, it not being universality simply that makes him antichrist, for the apostles had universality of authority, yet not antichrist, because it made them not heads deriving power to others from their fulness, a prince-like majority of power, but the power they acclaimed was steward-like and ministerial only, 1 Cor. iv. 1, 2. 2 Cor. iv. 5.

These with many such weighty grounds have preponderate with me to esteem the office of the prelates contrary to the scripture, and consequently the meetings authorized by them, and deriving their power immediately from them not to be owned.

thereof. We find the said grounds very weighty and relevant, and the sentence founded thereupon to be just and legal: therefore we do ratify and approve the said sentence, and interpone our authority thereto by these presents subscribed with our hands, at Meigle, the 4th of May, 1674.—Henry, Dunkeld."

When this sentence came to Mr Forrester's hand, he made large remarks upon it and the bishop's ratification, by way of queries, in several sheets of paper, which are so ample that they would take up too much room, even in the appendix, but I find them compendized by himself in a paper which he sends, betwixt and the next synod, to one of the members thereof, and this I have added in a note.* This paper gives occasion to some letters betwixt that member of the synod and Mr Forrester, in which this matter is further handled. Those I must leave, as also some letters, which in the year 1678, passed betwixt Mr James Ramsay bishop of Dunblane, and Mr Forrester, concerning the lawfulness of presbyterian ministers, their preaching in their persecuted condition, and the people's adhering to them, wherein the bishop's charge of schism upon this practice is examined, and countercharged upon the prelatic party, and the consistency of those things with all due obedience to the civil magistrate is cleared and vindicated; which contain a very distinct state of the controversy betwixt presbyterians and Scots prelatists, 1674.

* *Mr Forrester's remark's on the synod's sentence, &c., in a letter to a member.*

Understanding that you are going to your diocesan mock-synod, it is judged expedient to give you some account of that copy of your pretended sentence of deposition which you sent to Mr Forrester, which is found freighted with lies, calumnies, virulent, insolent railings, swelling words of vanity, *et præterea nihil*, more of which in lesser bounds could hardly be comprised. To give you some short but convincing instances in proof hereof, who can but smile at your taking on you the cognoscing of a minister's carriage judicially, and passing a formal judicial sentence of deposition thereupon, exauctorating of all parts of the holy function of the ministry, declaring the church vacant, intimating the sentence, &c.? (which supposes an inherent decisive suffrage) whereas, by your own acknowledgment, and the laws in force, you meet but only to advise the bishop, who may make of your advice what he pleases, whose negative voice among you, and uncontrollable absolute power, both as to proposal and decision of any matter, renders this act as far from being your authoritative sentence, (as you foolishly call it, and the bishop mockingly, antecedaneously to his pretended ratification,) as if a company of tinkers or trone-lords should meet in that church, and pass such an act or sentence: and besides this, your boisterous charge of sedition and schism, &c. (because of withdrawing from your meetings) supposing the falsehood of all these grounds offered by letter unto you, (which if they hold, will fully wipe off this charge, and found a necessity of deserting them) with what forehead can you suppose smoothly the falsehood of these grounds, and found thereupon your charge, without taking them to consideration, and a disproval thereof? which also rendereth your charge of contumacy (which supposes going on in any wicked practice against convictions) as false and impertinent. The grounds of this persuasion and practice, in opposition to your ways, being offered to your consideration, with an offer to embrace conviction of error or mistake, and never the least offer of an answer received from you; and further, the erastian mould of your meetings, more than ever Erastus pleaded for, both as to members constituent, matters treated on, and ratification of constitutions, compared with what the scripture luculently holds out, touching our Lord's spiritual visible kingdom, which he exercises over the church visible, by spiritual office-bearers given to it as a church, his committing and commanding the exercise thereof to church-officers upon moral grounds, till he come again, in the same manner it was exercised at first, will say, that your meetings have not the very genus of a church government, its root of inherent spiritual power being plucked up; besides that authoritative mission and ordination, and exauctorating by a judicial sentence belonging to the same power, as adequate acts thereof, *ejusdem est constituere et destituere*, and both these in scripture being appropriate to collegiate meetings of church officers, 1 Tim. iv. 5. 1 Cor. v. Acts xiii. 15. as inseparable acts of the same authority: how blockishly inconsequent are you to arrogate the last unto yourselves, who, by your own acknowledgment have no power in the first, no not so much as by a precarious vote? it being your spiritual lords' incommunicable prerogative, to ordain who may do it alone; and hence how groundlessly you call Stirling meeting, or such like, a presbytery who cannot ordain, is easy to judge, the scripture attributing expressly Timothy's ordination to a presbytery; and Paul's presence there rather confirms than invalidates this authority; and further, since you cannot but grant that this church in her representatives, her national assemblies, and subordinate, hath owned all these grounds which have been offered to you, commending the same to all her children, which as all professed to own before the late change, so some hundreds of ministers, and many thousand professors stand stedfast adhering thereto, and suffering therefore. It will be a pungent query to you, whether these stedfast adherers, or you the deserters, be schismatics from the church of Scotland? If the question be thus stated, how can they be schismatics from

and I wish they were more known.* But I come to take a little more general view of affairs this year, as they relate to presbyterians.

1674.

Upon the 25th of January, the council, by order from above, in a proclamation, adjourn the parliament, after it had been called to a precise day, and the king had

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the church of Scotland, who own and walk according to her principles, vows, and engagements, ratified in her lawful, supreme, and unrepealed assemblies? especially if it be considered that your meetings are, in so many respects, point-blank contrary to her model, principles, and privileges in point of government, both as to the intrinsic power to name the moderator the immediate fountain of authority, the power of meddling with every scandal, and the determination by a free decisive suffrage, the exclusion of a negative voice, and the admission of a ruling elder and member constituent, they will be found bastard meetings, to be disowned by all her faithful children. And as your authority appeareth in all these respects to be lame, so the ensuing reasons, contained in your sentence, are found as false and frivolous. In citing the letter, what gross falsehood and prevarication do you discover? You bring the offering these reasons to you by letter, as an aggravation of the pretended guilt of disowning the meetings, yet your meeting at Stirling demanded reasons of withdrawing; and now after the reasons are offered, they do *ipso facto* with you make up an aggravation of the crime, and ground your sentence of deposition before they be disproved. You hint at the first reason in a large dubious general, that the letter declared your church government to be erastian, without specifying whether you condemn the asserting it to be so *de facto*, or that *de jure*, it ought not to be so, how is this laxness in pointing at a guilt grounding deposition, consistent with your judgment? In reciting the second reason you are taken in a gross and palpable lie, for whereas it is *verbatim*, that (the prelatic frame, or prelacy, is contrary to solemn oaths and vows) you shuffle in (the politic form) whereas the letter speaks of church government, and expressly of prelacy. If put to it to show what is that government, whereof you mention the politic form of what your scope is in that expression, you will fall under this puzzling dilemma; if you understand it of the civil government, how gross is that lie, that the asserting prelacy to be contrary to solemn oaths and vows, &c., says, that so is the civil government; if of prelacy, then its politic form can have no other sense, than its subserviency to the civil policy, and thus the lie is as gross, that this is the second reason of that letter, which speaks of prelacy in itself simply considered. Nay, how contrary are you to yourselves in quite passing over the third and main reason of prelacy its contrariety to scripture rules of church government, abstracting from both the former grounds. This being a strong defence if made good, and as to your scope of mentioning the former two reasons, a signal aggravation of the pretended guilt of disowning your meeting, with what shadow of ground could you omit this in the enumeration? But that your slender hint at the first reason, your disguising of the second, and omitting the third, says, that you found them too biting to grip them strait, and therefore nibble at them like the ass, lest they prick your chaps; and as blockish and inconsequent are you in hinting a disproval, forsooth (such as it is) of the second reason, and nothing of any of the rest. Since you intended hereby a discovery of its irrelevancy, and a vindication of your procedure notwithstanding thereof, why ought not the same grounds to have moved you to offer somewhat against the rest? If you judged it sufficient for your purpose to recite them barely without any disproval, what meaneth your hint against this, and not so much as your reciting the third? If you judged it fit to recite them together with a hint of disproval, why was nothing hinted against any of the rest, and the third neither recited, nor any thing offered against it? all Vulcan's gimmerers will not make these cleave fast. And as for that hint itself, viz. that the (assertions in the letter are contrary to ordination engagements) why do ye not specify the matter of these engagements, and subsume upon the assertions to make this apparent? Nay, moreover, since what is offered in that letter, if made good, will infallibly demonstrate these engagements, to be materially unlawful and null *ab initio*, how insignificant and impertinent is your bringing in here this

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* After the revolution, Mr Forrester became principal of the new college of St Andrews, and ex officio one of the professors of theology. He is well known as one of the ablest advocates of presbyterianism and of the church of Scotland, at a period when the controversy with episcopalians was conducted on both sides with uncommon ardour, and no slender talent. Mr Forrester's principal publication on the subject is entitled "The Hierarchical Bishops' Claim to a Divine Right, Tried at the Scripture Bar." In this work he examines at considerable length the reasonings of the celebrated Dr Scott in the second part of his Christian Life; the "Inquiry into the new opinions chiefly propagated by the Presbyterians in Scotland," a book published by Dr Alexander Munro, who had been principal of the college of Edinburgh, but removed at the revolution in consequence of his keen attachment to the old system; and the "Survey of Naphtali," by Andrew Honeyman, formerly one of the ministers of St Andrews, and afterwards bishop of Orkney. In these men, especially the two first, Mr F. had no ordinary antagonists, and in his reply to each of them in succession, he has brought to bear upon the argument a vigour of mind and an extent of learning worthy of the subject. Those who wish to understand fully the controversy between the two rival forms of ecclesiastical polity, would do well to peruse the pages of such men as principal Rule at Edinburgh; professor Jameson at Glasgow; Mr Anderson at Dumbarton; and principal Forrester at St Andrews. —*Ed.*

signified it was shortly to meet. As soon as this adjournment is known, duke Hamilton, Tweeddale, Dumfries, the lairds of Polwart, Bonington, and some others, went up to court, to deal with the king about the grievances the country was under. None of the sides spoke any thing of the far more valuable interests of 1674.

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contrariety betwixt the assertions of the letter, and these engagements which you mention? You grant they are contrary; therefore the one must (yourselves being judges) be stuck unto, and the other deserted: and since the convictions of these grounds is asserted in the letter, and since they must needs be supposed valid till you disprove them, surely the relinquishing these engagements must be an indispensable duty; and then how ought you to blush for shame, to lay down the embracing convictions of sin and duty, deserting the one, and cleaving to the other, as a crime, and an aggravation of another supposed crime, specially since the grounds of so doing are offered to be made good? to which you having returned no answer, the offerer may take it for granted that you cannot. Nay further, since many of yourselves cannot deny engagements at your ordination, and declarations under your hand for presbyterial government, for the national and solemn league and covenant, and have for a long time preached for and owned all these, doth not this charge of levity lie home more to yourselves in relinquishing these without reasons offered, than to one who hath disowned the present corruptions upon grounds which you cannot answer, with whom consequently this change is a *transitus ad meliora*, a laying aside the old man's corrupt lusts, a change which Paul gloried in, "by the grace of God I am what I am;" and David, "I thought upon my ways, and turned my feet unto thy testimonies;" which is in you sinful shameless backsliding, and levity. Thus your charging this contrariety upon him, which you dare not simply condemn, and laying it down as one ground of your sentence, before the reasons be disproved, and wherein the retortion upon yourselves is so palpable, is most shameless self-condemning impudence; and no better is that you mention of deserting and forsaking the flock, for since the letter, and the public testimony thereafter to the points contained therein, not only rendereth liable to the civil coercive power, and penal statutes enforcing a ceding (which after circumstances of violence cleared, which put him with an alarm from the bounds, before the next Sabbath after that public testimony) but likewise this coercive violence in that public testimony itself being pointed at, as one ground of leaving the people, this is but your calumnious begging of the question, as most of what you offer: and moreover, the many defects of the episcopal ordination, and the want of the people's call, which the scripture allows, Acts vi. 2, 14, 23. and withal, the standing relation betwixt that people and their own pastor, ordained and called according to the scripture pattern, and only kept from that watch-tower by prelatic violence, will clearly infer this leaving, as a necessary consequent of retracting and disowning the episcopal corruptions, and embracing the contrary true principles of the church. But you are so angry at this, that you would have him not only unchristian, but unnatural in this leaving. What? is the tie natural betwixt a minister and a congregation, and not rather founded on positive institution? Is it not secondary and mutable, and founded upon the immediate primary tie to this church universal? What pitiful folly is it then to call the loosing of this tie unnatural? *Relata se mutuo ponunt et tollunt*; and no less impertinent and groundless is that which you furiously foam out against that which you call preaching at conventicles; since the person you charge antecedaneously to your sentence, is by yourselves supposed a lawful minister of the gospel, who, by your own confession, hath an immediate relation, *actu primo*, to the whole church, (unless you embrace independent principles) and that consequently his preaching, or administering sacraments without the sphere of that congregation, hath the same authority as within it, and that the neighbour pastor's desire supposeth this, but adds no new authority. Withal, since ministers are under many pressing inviolable commands to preach the gospel, to be instant in season and out of season, and terrible threatenings are thundered against the negligent, and unfaithfully silent, especially in a time of such hazard: nay, moreover, since you dare not simply and absolutely condemn preaching unfixedly, unless you condemn clear scripture instances, even as to fixed ordinary officers, as Acts viii. and also the practice of our first reformers in both these nations and elsewhere, but must needs acknowledge this lawful, particularly the cases of defection and persecution, what self-contradicting folly is it, generally and bluntly to condemn this practice as contrary to the word? which you dare not deny the word in these cases to warrant, and that these cases are by him you sentence presupposed as inevitably following upon these principles offered to you, and hence your senseless impertinency as to what you suggest of (civil and ecclesiastic laws contrary hereunto) luculently appears for the person you speak of being *hactenus* a minister, who may in several cases preach unfixedly, as is said, and whom you cannot affirm that any civil statutes, (though warrantable as you say) can formally exauctorate, and *primario*, this being a spiritual censure to be past by a church judicatory, far less can it loose these many commands touching the exercise of the ministry: to say that the exercise of the ministry, because of the civil power its opposition, is seditious, is a charge that lights as much on the apostles and primitive Christians as upon him. Neither will your bare affirming these statutes you mention to be warrantable, overbalance the palpable evidence of the contrary, nor can you here assign any disparity in the cases, unless you say, our rulers do not discharge preaching, but only in such a disorderly way, &c. Which disparity is nought, if the terms on which they only admit preaching be sinful, since this is equivalent to an express simple prohibition thereof, the condition being morally impossible because unlawful; and as for your ecclesiastic laws of your church, you must know that we deny your meetings to be the ministerial representative church of Scotland, and though they were

1674. religion, and so the sufferers interested themselves very little in their quarrels. The king blamed duke Hamilton and his party, for raising heats in the parliament at such a juncture; yet he dismissed them fairly, with promises that the parliament should sit down in March, and all their grievances be considered.

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granted so to be, the church hath no power but to edification, for Paul had none but to this end, and circumstances of mere order must give place to weighty duties in cases of extreme necessity as this is. Nature itself will invert its order to eschew a vacuum: besides that, you are not able to point us even to a pretended national assembly, or supreme judicatory of your prelatic church, to enact these ecclesiastic laws thereof, since our general assemblies were discontinued. Neither will your bare lying affirmation fasten sedition or wickedness (as you call it) upon the grounds of that suffering and imprisonment which you mention, nor darken the beauty of that testimony to these who can spiritually discern, which was sealed with remarkable interposings of divine providence in the period of that trial: as for the not compearing upon your citations, to what purpose should ye? The reasons against the constitution of your meeting ye arbitrarily condemn without hearing, and all your answers were delations to incense the civil power, and the only ground justifying a compearance at your meeting, was to decline you, upon the old reasons which ye had already seen, and never answered. Thus being far from truth in your imputations of pretended crimes, you are as far from modesty in your bitter scurrile railings, and from sincerity in your specious pretences for your sentence afterward mentioned therein. If the opposing God's work and interest, wherein his glory was so conspicuous, be consistent with zeal to his glory, if the fixing an indelible schism in this church, in your separating from her sworn engagements and principles, be (a suppression of schism) and if the setting up such babes in knowledge, and profane ones in practice, to preach the gospel, as you do open a door unto, be (a promoting of the success of the gospel) and your overturning the settled order and peace of this church, founded upon the best foundations of truth and righteousness, and by slackening, or rather casting by the reins of all government, opening a door to all licentiousness in practice, as well as error in doctrine; if this, I say, be your zeal to (promote the peace of the church in this kingdom, and a discountenancing of division and disorderly walking) then you may justly lay claim to these designs; but if the tendency of your principles and practice infer clearly the abovementioned evils, these pretences are not more hypocritical than false, and the person that you sentence, hath that scripture consolation clearly to look to in this case: "Your brethren who hated you, and cast you out for my name's sake, said, Let the Lord be glorified, but he shall appear to your joy, and they shall be ashamed; but you are also full of bowels of compassion, forsooth, to that poor people, whom, ye allege, he hath left to stray, and become a prey to Satan," &c. But who knows not, that they with hundreds of congregations in this church, are exposed to all these evils, by the ravening wolves, the rabbles you serve, who have persecute away that people's pastor, and hundreds of faithful godly watchmen from their flocks? so the evil which you pretend to remedy owes its original to yourselves, and any remedy you are like to apply, (if we may take an estimate from such creatures as ye have already obtruded upon such congregations) is like to be worse than the disease.

As for that fine piece of pageantry at the tail of your paper, viz. the prelate's touching your act with his crosier to make it valid, it doth exactly discover what an exact legerdemain he and such like are, pretending *pro forma*, that to be a judicial synodical act, which is merely his own act, who might have done it all in his chamber, as many of that fraternity have done before, but he likes to act behind the curtain, of the whole diocesan ciphers chapterly convened, that you may bear a part of the odium with him, and that he may mask his episcopal usurpation from the eyes of the simple. We wonder not that he calls you in the high style, our synod, but if he had said, our vassals, or slaves of Dunkeld, he had said as right and suitable unto his arrogant, and most antiscriptural style of nobility, we Henry, &c., and the subscription Henry, Dunkeld, that is, in plain language, spiritual lord, owning a lordship and dominion over the souls, faith, and consciences, &c., of both ministers and flocks in all that diocese; and then what agreement hath this with our Lord and Saviour's prohibition of assuming the style of gracious lords, and Peter's discharging to lord it over God's heritage, is easy to judge; but he took these reasons of the sentence to serious consideration, and found them relevant; but the rule of his consideration herein is like unto that authority which he interposes for ratifying this act, viz. both antiscriptural and apocryphal. Only since the pretended (unchristian forsaking the flock) is one ground of that sentence, and (preaching elsewhere) another, it would seem he might have reflected upon his forsaking his own flock, to play the domineering prelate, and preaching nowhere. In a word, his having the government of these congregations in all that diocese monopolized in him, and let out, according to his pleasure, to ministers, his sole power in ordination and jurisdiction, his negative voice in the meetings, his arrogating only (rule) to himself, and not feeding by doctrine as his proper work and duty, rendereth him a monster to the scripture, it owning no difference betwixt a bishop and pastor of a congregation, either in name or thing, nor extending the term bishop beyond the actual care of feeding immediately; nor hath it any correlate or object but the flock, and not the pastors of it; nor do the scriptures hint in the least any name, qualification, or ordination, work, duty, or operation of ordinary church officers, superiors to presbyters, who are called rulers, governors, overseers, bishops, and both ordination and jurisdiction appropriate to them, and all ordinary ecclesiastic authority relating thereto, or included therein, without the least intimation of imparity in the exercise thereof, 1 Thes. v. 12, 17. Heb. xiii. 17. with 1 Cor. v. 12, 18. Matth. xviii. 17. 1 Tim. iv. 14. 3 Epistle of John 9. Tit. c. 5. Acts xx. 28. 1 Pet. iii. 4. So you see that there's no reason that brother be

This winter, and beginning of the spring, was an extraordinary season for frost and snow, and generally people were hindered from ploughing till the 24th of March; and the third part of the cattle in Scotland were destroyed for want.* Those who went to London, hasted home, to be present at the parliament in March; but when they were met, the commissioner Lauderdale, to their great surprise, produced a letter from the king adjourning the parliament till October, and after this the duke durst never venture upon another Scots parliament.

Great and many were the hopes and projects of the bishops at this parliament; being encouraged by the king's letter taken notice of last year, they had prepared several papers containing grievances and complaints against presbyterians, to be laid before the parliament, relative to their preaching and administering sacraments, and they expected to have got more severe laws made against them. Matter was not indeed wanting, for what the prelates and their party reckoned grievances. At this time, and since the last indulgence, conventicles did grow sensibly; and although the design of the favour was to divide presbyterians, yet the very name of an indulgence and favour, was some encouragement, and therefore the bishops fretted at all indulgences. None of these papers of grievances, of which I am told there was great care taken to gather up vast numbers from all corners, have come to my hand, save the paper drawn up by the synod of Glasgow, at their meeting, October 22d last, as I suppose. The copy I have wants the date of the year; but from the matters of fact complained of in it and some other circumstances, I have ground to think it was drawn last year, and designed for the parliament in December, and when that failed, for this in March. I shall observe several untruths in it afterwards, but it containing several matters of fact, I have not elsewhere met with as to the state of presbyterians at this time, and being a new evidence of the virulence of the clergy against presbyterian ministers, the reader will not grudge it a room in this place. 1679.

The grievances given in by the several presbyteries of the diocese of Glasgow to the synod, October 22d, and by them humbly represented to my lord commissioner his grace and parliament, or their lordships of his majesty's most honourable privy council.

"1. That the conventicles still abound more publicly and avowedly, notwithstanding of all the acts and laws made against them; and these are kept both by men that are indulged, and others who are not; yea, some who never entered upon trials before any church judicatory, viz. in Glasgow, by Mr Andrew Mortoun, Mr Robert Law, Mr Bartoun, Mr Maxwel, Mr Cargill, Mr James Bell, Mr John Burnet, Mr A. M'Lean, Mr James Wilson, and others, all indulged, and confined to other places, yet residing within the town of Glasgow; and Mr Alexander Jamison, late minister at Govan, who keeps conventicles every Lord's day at Haggs, within the parish of Govan: also by Mr Robert Maxwel younger, Mr Matthew Crawford, Mr James Wodrow,* Mr William Gilchrist, Mr Robert Corbet, and others resident in Glasgow, who never passed their trials in order to preaching: also in Paisley presbytery, conventicles kept in Eastwood, by Mr Hugh Smith, formerly minister there, who hath settled himself beside the church of Eastwood, and constituted elders, administrates sacraments, and performs all the ministerial offices: also in the parish of Killellan, Mr James Wallace, who kept still conventicles there, till the

stopt, or discouraged in the exercise of his ministry received from Christ, (although through prelacy's impure channel, and now purged from its corruptions,) or in the least shaken as to persuasion or resolution, by any thing presented in this pretended act or sentence, but rather encouraged.

* "February 20th, 1674, fell on a great storm of snow and a vehement frost, which continued to the 29th day of March: all fresh water was frozen as if in the midst of winter; all plowing and delving the ground was marred till the foresaid day; much losse of sheep by the snow, and of whole families in the moor country and hy lands; much losse of cows every where; also of weild beasts, as do and roe."—Law's Memorials, p. 63.—*Ed.*

* This was our historian's father.—*Ed.*

1674. indulged minister came in, and has now laid in his provision at Inchinnan, where he was some time minister, notwithstanding he was confined to Neilston, and labours by all means, to break the ministry of the present incumbent there. In the presbytery of Ayr, Mr John Osburn every Lord's day keeps conventicles at Enterkin's house in Tarbolton, though he be confined to Dundonald; and by Mr Anthony Schaw at Knockdallen's house in Calmonel; he adventured also lately to preach at the church of Ballantree, though he be confined to Paisley: also in the Presbytery of Dumbarton, conventicles are kept by Mr Thomas Melvil in the parish of Kilpatrick Easter, by Mr Hugh Smith, Mr John Dickson, Mr John Law, Mr Matthew Crawford. Mr James Hogg at Armonack, in the parish of Kippen, goes about baptizing, administrating the Lord's Supper, through all the bounds of the neighbouring parishes of the presbytery of Dumbarton. In the presbytery of Lanark, conventicles are kept by Mr James Greig at Boghall, though confined to Carstairs; by Mr Patrick Anderson at the same place, though confined to Longdreghorn and Mr John Menzies, some time conform minister at Carlaverock, at Crawfordlindsay.

"2. Indulged brethren keep not the rules given by the council, but travel through the country, baptize, catechize, marry, administrate the sacrament of the Lord's supper to the people of our charge, without testimonials from us, and some of them baptize all the children of neighbouring congregations; as in Tarbolton and Barnwell, Messrs John Hutchison, Hugh Campbel, James Veitch, as also these who officiate at Eaglesham, Paisley, and Mr James Hutchison of Killellan, Mr Simpson at Kilmacomb, Mr Stirling at Kilbarchan. And Mr John Law, Mr John Baird, Mr William Eccles, baptize children and marry persons from the presbytery of Dumbarton; Mr Anthony Murray at Coulter, Mr John Crawford and Mr William Baily at Lamington, Mr John Hamilton at Carmichael, Mr Robert Miller at Ochiltree, Mr John Reid at Muirkirk, Mr Alexander Stevenson at Dalmellington. These two last are continued in their charges by connivance.

"3. There are some conventiclers have erected preaching houses, viz. at Glasgow, the house of Mr Blackwell the calender, sometime hired soldier to Cromwell; Mr Drew in the said city; in the Barony parish, and in Newtoun in Gabriel Thomson's and another in Kippoch in John Baxter's house.

"4. A conventicle lately kept at Kilsyth, in Thomas Russel's house, where the preacher cursed the king and his council, and the whole royal family, saying, David did not sin in cursing his enemies; and therefore, neither do we in praying that God would destroy our king, and pull him off his throne. He was apprehended therefore, and some of his hearers gave bond and caution to produce him upon demand.

"5. It is universally regretted, that noblemen and gentlemen's sons' governors are ill principled, and abuse the youth, not only withdrawing themselves, but their pupils also from ordinances; and when they are challenged here at Glasgow, they take away their pupils to Edinburgh and other colleges. The like is done by chaplains, who pervert the families they officiate in.

"6. Generally, not only conventiclers, but indulged ministers preach sedition, and pray to the same purpose; and, in their apologies at their entry, avow publicly that they owe neither to the king nor his council their entry to their charges; as Mr Nasmyth at Glasford, Mr Stirling at Kilbarchan, Mr Wallace at Larges, and others.

"7. Heritors and elders generally refuse to join with the conform ministers, in administrating discipline, and collecting for the poor.

"8. Quakers do generally abound in Wester Leinzie, and have meetings every Lord's day, both there and at Glasford, and other places.*

"9. Diets of catechising are not kept, but generally slighted: ministers in their visits to the sick, are not admitted, and offering to examine, are denied; and that even by some

* At the last named place, the quakers in those days had a place of worship, and there they have still (1828) a burying-place.—*Ed.*

who, out of the example of the recusancy of others, are worn atheistical, and disown ordinances altogether.

" 10. Sheriffs, bailies, magistrates of burghs, when desired, do not concur, to cause scandalous delinquents give obedience to church discipline.

" 11. Suspensions are frequently granted after hornings given for the payment of ministers' stipends, without consignation, as in the case of the minister of Dalrymple.

" 12. That fabrics of churches are like to go to ruin, unless heritors be obliged to see timeously to it.

" 13. That the church of Barnwell is ordered to be suppressed by a decreet of the commission for plantation of churches, without a report of perambulation of the bounds, for the conveniency of the people, by the bishop and presbytery, or any regard had to the settlement of Mr Kincaid present minister there; though he compeared by Mr John Kincaid his procurator, and protested to the contrary, which is not noticed in the extract of the decreet, though it was appointed to be done by the commission.

" 14. That not only the indulged ministers do not preach on the 29th of May, but sundry others unconformed, who have continued in their places by connivance, and obeyed the law formerly, this last year have forborne, through the example of the indulged brethren.

" 15. Several horrid crimes are committed at conventicles, as incest, bestiality, murder of children in the presbyteries of Ayr and Lanark, besides frequent adulteries, and other acts of wickedness, as our registers at more length bear; particularly one who was apprehended, and confest bestiality at Lanark, and was let go without any punishment.

" 16. And there is nothing more grievous than that papists are daily increasing, without control, or execution of the law against them, especially in the presbytery of Hamilton, as that register at full length bears.

" And to sum up all, we cannot but mourn, and do heartily testify to all the world, but more especially to your lordship, that all laws made heretofore against these, would not have been so contemned, were it not for the irregular ministers, and multitude with whom we have to do; so that in the issue they have proven, to the great dishonour of God and our disadvantage, altogether ineffectual; and this only from a perverse principle of habitual disobedience in the ministers and people, which, as we wish God to remove, so we heartily pray and beseech your grace to consider." 1674.

The spirit of bitterness which appears in the conclusion of this paper, as well as in other parts of it, may be enough to preserve the reader from crediting a party of men who were willing to believe every thing that was ill of presbyterian ministers and people, and save me the trouble of making remarks upon this collection of grievances. The title of the paper shows, that one way or other the clergy were resolved to have this libel before the government. The first article contains an evident untruth, that conventicles were kept by severals who never passed their trials in order to preaching, such as Messrs Maxwel, Crawford, Wodrow, Corbet, and others. It is very true these persons did not pass their trials before the bishop or his presbytery, but it is as certain they were examined and licensed by the remaining presbyterian ministers, according to the acts of general assemblies and the rules of this church; and several of their licenses I have seen, and they can yet be produced, to give the lie to this paper. I have no doubt but the fourth article is equally false; and doubtless if it had been true, the name of the person would have been given, and somewhat more than this general account of nobody knows who. The fifth article is very improbable, That universally these who had the care of noblemen's children and gentlemen, were all presbyterians. The fifteenth is altogether calumnious, and brings to my mind the reproaches cast upon the meetings of the primitive Christians by their virulent persecutors. It is from such innuendos as are cast together here, that that viperous pamphlet, " The Spirit of Popery speaking out of the Mouths of Fanatical Protestants," was patched up some years after this; to which I have seen a very full answer in writ,

1674. by the reverend and learned Mr Matthew Crawford, before mentioned, wherein the wicked forgeries and lies at this time and afterward, palmed upon presbyterians, are fully exposed and refuted. In short, many of these articles, part of the first, the second, third, and others of them, are owned by the suffering presbyterians, as practices upon which they did suffer, and what they reckoned agreeable to their principles. Other articles do not at all concern them, and some are absolutely false and calumnious. Whether this paper of grievances was presented I do not know; it could not come before the parliament, and if it was laid before the commissioner and council, nothing was done at this time. The broils and bold steps now taking in England, and the divisions betwixt the two dukes in Scotland, were rubs in the way of gratifying the persecuting clergy: neither of the parties were reckoned friendly to presbyterians, and yet it was believed both of them connived at the growth of conventicles, hoping to blame each other, as the cause of this, to the king.

Meanwhile, the dissatisfaction of the common people, at the incumbents forced in upon them in several places, began to appear. Upon the 12th of March, I find the council order some persons in the parish of Libberton, to be pilloried in Edinburgh and at Libberton, for a riot, alleged by them to be committed upon some ministers ordaining a minister to that kirk. And much about the same time, an attempt was made upon Mr Alexander Gatherer, as going to preach in the kirk at Girvan, in the shire of Ayr; of which I find a complaint made to the council, but no account of the issue. And upon the 19th of the same month, several prisoners in the tolbooth of Edinburgh, put in for disorders, are gifted by the council to captain James Hay, to be recruits to a regiment he was concerned in in France. Whether these disorders were church irregularities, I know not; but it is not improbable they were, since it was these that filled prisons mostly now, and after this.

Before Lauderdale left Scotland, and quit this misgiving session of parliament, he was pleased to compliment the nation with an act of grace and indemnity from the king his master, upon the 24th of March. A copy of it is annexed.* This was published at Edinburgh with a great deal of solemnity.

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* *King's Indemnity, March* 24, 1674.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, our lyon king at arms, and his brethren, heralds, macers, pursuivants, and messengers at arms, our sheriffs in that part conjunctly and severally, specially constitute, greeting: forasmuch as the affection which we have to this our ancient kingdom of Scotland, makes us readily to embrace all occasions, whereby we may witness our zeal to do all things which may be for the advantage and ease of our good subjects; and we being informed by our right trusty and entirely beloved cousin and counsellor, the duke of Lauderdale, our commissioner, of some things which have been, and still are troublesome and burdensome to our good subjects of this our kingdom, we have thought fit, as an act of our royal bounty, by our royal authority, with advice of our privy council, to declare our royal pleasure, for the ease and satisfaction of our good subjects, in manner following.

First. We, with advice foresaid, do hereby statute and enact, and accordingly do freely and absolutely discharge to our subjects all rests of assessments, monthly maintenance, loan and tax, levies, outricks of horse and foot, excise, tenth and twentieth penny; and generally all impositions whatsoever, due, or imposed upon this our kingdom at any time before our happy restoration, excepting all sums of money already paid, or bonds given for money, (which by assignations may be conveyed through several hands;) and all these particulars abovementioned, we, with advice foresaid, do now discharge, notwithstanding of any commission granted to Sir John Weems of Bogie, or any others for collecting them, or any of them.

We in like manner, with advice foresaid, discharge all rests of the taxation ordinary and extraordinary, granted to our royal father of blessed memory, by the parliament in the year 1663, comprehending therein the taxation of two of ten of annual rents, excepting all sums of money already paid, or bonds granted preceding the date hereof, and excepting all sums of money due by any person liable for the relief of those who have made payment or given bond: but in regard the duke and dutchess of Hamilton have a right to the rests of the said taxation, until they be satisfied of certain sums of money acclaimed, as yet resting to them by us, conform to a contract past betwixt our royal father and the deceased James duke of Hamilton, and a commission granted by us to William now duke of Hamilton; we do declare, that we are resolved to satisfy the debt, if any be found due to the said duke after count and reckoning of his intromission with the said taxation, that our grace and favour intended hereby to our good subjects may be made effectual, and entire to them; but prejudice in the mean time to the duke of Hamilton, of his right and execution thereupon, ay and until he be satisfied of what shall be found due to him, after count and reckoning of his intromission with the said taxation.

by the heralds, and the magistrates attending in their robes. In the forementioned paper, entitled, "Scotland's Grievances by reason of the Duke of Lauderdale's Ministry," several remarks are made upon this indemnity, as illegal and injurious, which need not a room here. It is plain this favour is cramped, and not at all full; however, the common people in Scotland looked upon it as an encouragement as to the time to come, as well as a remission for what was past, in their following conventicles; and it may be the duke designed somewhat of this by it. It was confidently talked, that his grace, before he left Edinburgh, did secretly encourage conventicles, and promised presbyterian ministers a full and ample liberty without restrictions and exceptions; and this was the real spring of their taking so much liberty this year. And yet when he got up to the king, the blame of them was laid upon the other party who stood by duke Hamilton; and letter upon the back of letter, as we heard, was sent to the council, to bear them down. 1674.

After the adjournment of the parliament, the commissioner goes up to court, and duke Hamilton followed him, and got access to the king, to whom he spoke very freely of Lauderdale's mismanagements, and begged a day might be appointed wherein he might lay before the king a larger detail of what he had to say against him, and anent the grievances Scotland was groaning under, and begged the duke might be present, and as many others as his majesty thought proper. The king heard all, and desired the duke of Hamilton to give in writing what he had to say, and promised to consider it; but declined to hear reasonings and discourses upon these heads. This was a plain dilator, and the duke having no Scots lawyers with him, and being uncertain how far expressions in writ might militate, or be improven against him, took his leave, and moved no further at this time. Lauderdale

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We do likewise, with advice foresaid, freely and absolutely discharge all such parts of the annuity of tiends, as were due to us before our happy restoration, and do suspend the charging for, the receiving or paying of any annuity due since our restoration, ay and until the earl of Loudon make account (to any we shall appoint for that effect) of what he or his father have received of the said annuties; to the end we may then declare our further pleasure, excepting always from this all sums of money already paid, or for which bond is given upon that account, preceding the date hereof; and this, notwithstanding of any commission granted by us to the earl of Loudon, for collecting of the said annuties.

We do also, with advice foresaid, freely and absolutely discharge all fines imposed by our first parliament of this our kingdom, excepting such as are already paid, or such for which there is bond already given. It is always hereby declared, that all monies received by collectors or sub-collectors from their several entries in all or any of these particulars, above discharged, or others intrusted for uplifting thereof, are hereby excepted; and the said collectors, sub-collectors, and others foresaid, declared accountable for the same, to any who have or shall have our commission for that effect.

And last, we, for a further proof of our affection to our good subjects of this our kingdom, do, with advice foresaid, freely and absolutely grant a general pardon and discharge of all arbitrary and pecunial pains incurred by any of our subjects, before the date hereof, through the contravening of any laws, penal statutes, or public acts whatsoever, except such pecunial pains as are already inflicted or imposed by our privy council, or any other competent judicatory, for which bonds are given, or money paid; and excepting all sentences of banishment, imprisonment, or confinement: declaring always, that this pardon is not to be extended to any who were guilty of the rebellion in the year 1666, and are not admitted to the benefit of our indemnity, nor to such as are guilty of capital crimes. And we having given, as said is, so full proof of our bounty and goodness to our subjects, and of our full pardon of all arbitrary and pecunial pains, extending even to these against conventicles, withdrawing from ordinances, disorderly baptisms and marriages, we do expect, that this our unparelleled grace and goodness will oblige all our good subjects, to express their due sense of and thankfulness for the same, by a more careful observance and due obedience to our laws, from which nothing is to be derogate hereby as to their due observance in time coming. And to the end, that our royal clemency and bounty to our good subjects, may be for their full security made known to them; our will is, and we charge you straitly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and the market-crosses of all the other royal boroughs of this our kingdom, and other places needful, and thereat, in our name and authority, with all due solemnities, by open proclamation, make publication of the premises. The which to do, we commit to you conjunctly and severally our full power by these our letters, delivering them by you duly execute and indorsed again to the bearer. Given under our signet at Holyrood-house the twenty-fourth day of March, 1674, and of our reign the twenty-sixth year.

Per actum dominorum secreti Concilii,
AL. GIBSON, *Cl. Secr. Concilii.*
God save the king.

1674. continued so well with the king, that upon the 19th of May a proclamation comes out, dissolving the parliament: the reason given, is the peace now concluded with the states of the United Provinces; but such was the sense of liberty that wrought among members, and so deeply laid was the design of freeing themselves from the burdens the country was under, that the duke durst not venture upon any more Scots parliaments, and we had none for many years. Towards the end of May, he procured a new modelled council, and there were even changes made in England, and Ashley Cooper who had accused him to the king, the earl of Carlisle, and some others upon that lay, were turned out. In the new commission for counsellors, which was opened June 4th, several of duke Hamilton's party were left out, as Tweeddale, Queensberry, Yester, Dumfries, Roxburgh, and some others. In their room were put in Kinghorn, Mar, Wigton, Collington, Cragie, Ross, and some others. Duke Hamilton himself was kept in, but came little to the council for a long time, and was never much in favour this reign or the following.* The proceedings of this new council have been pretty largely accounted for upon the former section, and I shall not resume them. Upon the 18th of June, I find a very long letter of approbation of the duke of Lauderdale's proceedings, recorded in the council registers. Thus for a while he carried all before him, and the party who opposed him were forced to be silent.

When the council met, June 4th, an incident happened which made a great deal of noise, and was one article in most of the letters which came from the king to the council this summer, the tumultuary meeting of women in the parliament close. The matter was thus, this was a time when men durst not appear in petitioning the council, unless they resolved to go to prison, and to have quarrels picked with them; and therefore a good number of women in the city of Edinburgh resolved to appear for the gospel, and try how far a petition from them might have weight, at least to discover the inclinations of many for some liberty to presbyterian ministers; and accordingly drew up and signed the following petition.

"Unto the right honourable the lords of his majesty's privy council, the humble supplication of several women of the city of Edinburgh, in their own name, and in the name of many who adhere thereto, humbly showeth,—That whereas your petitioners being long deprived of the blessing of a faithful public ministry, and of the purity of worship and ordinances that God hath commanded, and after much sad suffering for attendance thereupon in private; yet for some short while bygone, and in the time when his majesty's commissioner was amongst us, your lordships' petitioners have, without molestation, enjoyed some small liberty by his majesty's gracious connivance: yet now we are sadly alarmed, that through the malicious and false information given in by some of those who side with and serve the bishops, your lordships may be induced to the grief of the hearts of many thousands in this land, to trouble the quiet meetings of the Lord's people at his worship. May it therefore please your lordships to grant such liberty to our honest ministers, that are through the land and in this city, that they may lawfully, and without molestation exerce their holy function, as the people shall in an orderly way call them; that we may, to the comfort of our souls, enjoy the rich blessing of faithful pastors, and that our

* "March 2d, 1674, duke Hamilton comes to Edinburgh from London, accompanied into the city with 5 or 600 horse. He had no good acceptance of the king at London; and when he came to salute the duke of Lauderdale, the king's commissioner, he is but bauchly (indifferently) entertained." "March 3d, 1674. The parliament sits down, duke Lauderdale being commissioner; and contrar the expectations of all members thereof, and of duke Hamilton, who was but newly come fra court, and knew nothing of it, adjourned the parliament to November next the 18th day, having got a letter fra the king for that end that morning, which put all our parliament members to an amuse."—Law, p. 64. "There is one thing remarkable," adds Mr Law, "that when the duke of Lauderdale was in his greatest troubles at Edinburgh, and both parliaments of England and Scotland set against him, so that all men considered he was undone, I knew a man that had this vision of him, that he saw duke Hamilton ushering him into a room, and that the said duke of Lauderdale had by far greater honour there than duke Hamilton."—*Note to p. 66.—Ed.*

pastors may be delivered from any sinful compliance with what is contrary to the known judgment of honest presbyterians. In doing whereof your lordships will do good service to God, and the king's majesty, and deeply oblige all honest people in the land. And your petitioners shall ever pray," &c.

The severe clauses in the king's letter, May 19th, formerly noticed, relative to conventicles, put these women in this alarm they speak of; and about fifteen of them, mostly ministers' widows, engaged to present a copy each of them to the principal counsellors. Accordingly, when the counsellors came up, they found the Parliament-close almost filled with women. The primate came up with the chancellor, and was in no small confusion when he saw the gathering, but stuck close by the chancellor. Some of the women called him Judas, and others traitor, and one of them laid her hand upon his neck, and said, Ere all was done that neck behoved to pay for it; but no further violence was done. That good woman Mrs Livingstone, relict of Mr John Livingstone, of whom before, presented the petition to the chancellor. The earl received it with civility enough, and read it in the place where it was delivered, and patiently heard what she had to add, for the gentlewoman spoke very well and handsomely. He talked a little with some of the rest, and jested with them, and seemed not altogether unpleased at the fright the bishop seemed to be under. When the counsellors got in, and found the petition signed, it was voted a crime and unwarrantable, and they called in about a dozen of the subscribers one by one. Upon examination they all declared, that no man had any hand in the petition, that they were moved thereto from the sense of their perishing starved condition, under the want of the gospel, having none to preach to them but ignorant and profane men, whom they could not hear. Then they were put all together in a room, and the provost of Edinburgh was sent out to dismiss the rest, and oblige them to remove from the doors: but they were peremptorily resolved not to withdraw till their friends were sent out to them, and declared themselves willing to take one lot with them. The council, when they heard this, were pleased to send the rest out; and so this tumult, about which so much noise was made, ended. Next council day the subscribers were all called, and upon their noncompearance denounced, except Mrs Margaret Johnston, a daughter of the excellent lord Warriston, Mrs Cleland, and Lilias Campbell. These three, whether upon their answering the citation, or otherwise, were seized, and cast into prison. And I find the council, June 25th, appoint the earl of Linlithgow, the earl of Marishal, and some others, to examine them, and consider their case, and report. And, July 7th, the council order out summons to some others they allege had a share in this tumult. And, November 12th, Mrs Elizabeth Rutherford, Mrs Margaret Johnston, lady Mersington, and several other women concerned in the tumult in the Parliament-close, are by the council banished the town of Edinburgh and liberties thereof. * 1674.

* Mr Sharpe, the editor of Law's Memorials, has represented the women as designing on this occasion the assassinating of the archbishop, and states that the plan was defeated in consequence of the chancellor detaining Mrs Livingston in conversation until the archbishop had time to get out of the way. As authorities for this, he appeals to "Wodrow" and "Kirkton." We have seen what the former of these says on the subject; and now let us hear what honest Kirkton has to state regarding it. "Also this summer, because men durst not, the women of Edinburgh would need appear, in a petition to the council, wherein they desired a gospel ministry might be provided for the starving congregations of Scotland. Fifteen of them, most part ministers' widows, engaged to present so many copies to the principal lords of council, and upon the 4th of June filled the whole Parliament-close. When the chancellor came up, Sharp came up with him, and as the chancellor left his coach, Sharp clapt close to his back, fearing, it may be, bodily harm, which he then escapt; only some of them reproached him, calling him Judas and traitor, and one of them laid her hand upon his neck, and told him that neck must pay for it ere all was done, and in that guessed right; but this was all he suffered at that time," p. 345.—There is certainly nothing here to support the editor's averment. Had he referred us to Sir George Mackenzie's Memoirs, it would have been more to the purpose; but Sir George is at the best a partial witness, and he certainly did not know the designs of these female petitioners. There is no evidence that their designs were any thing beyond what appeared; and the object of their petition was unquestionably legal and highly

1674. The severities of the managers this summer, upon such as were alleged to have been at field-conventicles, have been already narrated; and indeed every week almost letters came down from court urging a violent prosecution of them, and all the blame of them was laid upon the country party, whereas it is generally thought that Lauderdale himself had as much encouraged conventicles as any body. Multitudes were fined through all the corners of the country. Many considerable gentlemen in Fife were roughly handled; one paid two thousand merks fine, because his lady had lodged Mr Welsh one night in his house, though the gentleman knew nothing about it, and was abroad upon business. And many were fined for being once present at sermons in the fields, when it may be they were very near their houses. When this rigorous way came to be known, not a few absented, and upon noncompearance were denounced, and their moveable escheat fell to the king. One day a paper was fixed upon the parliament house door, containing upwards of a hundred persons whose escheats were to be sold to any who would purchase them, and among them about thirty ministers, whose escheats would not very much enrich the courtiers. Such a multitude of them had they upon their hand, that they knew not what to do with them.

Some hints of more particular hardships of some gentlemen, ministers, and others, have come to my hand, mostly from the council registers this year, and I shall give them in so many words. Upon the 26th of March, the laird of Quarrelton, upon his petition, gets his confinement and prison altered from Dumbarton to Paisley, and is allowed to walk abroad, as above. Thomas Lennox and some others, who had been in prison for conventicles, the some day are liberate, I suppose by virtue of the indemnity. Upon the 14th of July, Mr Robert Law, who had been some time prisoner in Glasgow, for keeping of conventicles, that is, preaching now and then in houses, is ordered to be brought into Edinburgh; and the council give warrant to apprehend Mr John King, Mr John Wallace, and Mr Andrew Barton, outed ministers; and the earl of Athole is ordered to bring in the last to Edinburgh. July 21st, Mr James Drummond, who had been some time imprisoned in Edinburgh tolbooth for preaching in families, is set at liberty. July 28th, Mr Robert Law, Mr John Law, Mr John King, prisoners in the tolbooth of Edinburgh, for preaching, appear before the council, and are discharged to keep conventicles, under certification of being repute, punished, and pursued as seditious persons, and are obliged to give each of them bond and caution for five thousand merks, to appear when called. September 29th, William Drummond of Cromlicks, some time ago a major-general, is ordered to enter prisoner into Dumbarton Castle. I do not know what the managers had to lay to his charge, but I hear it was converse with intercommuned persons, and he was reputed to have a warm side to the persecuted party. In January next, he petitions the council, complaining of his close imprisonment, and they permit him to walk about in the daytime, but order him still to return at night. December 1st, George M'Cartney of Blacket, prisoner at Dumfries for alleged accession to the rebellion 1666, is ordered to be brought into Edinburgh.

Perhaps it was in answer to one of the grievances above narrated, that the council, July 28th, "considering that by —— act, 2 sess. parl. 2. Char. II. none must preach or teach without the bishop's license, recommend to and require the archbishops and bishops to inquire what persons in their dioceses take upon them to be chaplains in families, or teach in public schools, or be pedagogues, without their license, and report." I find not much persecution as yet following upon this order; but next year and the following, many excellent youths, very capable of their trust, were brought to abundance of difficulty.

Towards the end of September, a letter comes down to the council, restoring the

reasonable. The construction put upon it by the council, as treasonable and rebellious, was altogether arbitrary and unwarranted.—*Ed.*

late archbishop of Glasgow. Bishop Leighton had demitted, and about this time or a little after died in a very retired place in England.* The king's letter will speak best for itself. It is inserted word by word in the following act of council made upon the receipt of it. 1674.

"*Edinburgh, September 29th*, 1674.

"Forasmuch as the king's majesty, by a

* The learned professor of church history in the university of Glasgow, has pointed out to me the following curious passage in the introduction to a historical novel lately published in London, entitled "*Owain Goth*, a tale of the Revolution," in 3 vols. As it is characteristic of the archbishop and also of the times, and brings forward some interesting facts, I shall insert it entire. "I have been particularly struck, in investigating the papers of those ejected ministers and nonconformist divines, which I have before me, with the diary of one Josias C——, who was chaplain in the family of the right worshipful Sir Thomas Barnardiston towards the close of the short reign of James the Second. I purpose, in the following letter, to give you a few extracts from his diary or register, as he calls it, a work, I assure you, replete with both amusement and instruction. He was a friend of archbishop Leighton, Ainsworth, Arthur Hamilton, and other learned men of that era; and knew Burnett, but does not seem to have liked him. He studied and took his degree of M. A. at Glasgow, and I set down, beneath, a curious account of the part he took in the ceremony of laureation in the year 1672.

"1672. *Apr.* We of the magistrand class," says he, "now in the beginning of April concluded our lecturing, in order to prepare for the ensuing laureation. All the scholars that designed to take their degrees assembled to assesse one another for defraying the expenses, chose collectors of the money assessed, and treasurers, whereof one was for the Scotts, and I for the English; and also stewards to provide gloves, and the printing of the theses—one on white satin for the patron, and an appointed number on paper. My tutor would engage me to be publick orator at the laureation. I declined it, and earnestly begged his excuse till I obtained it. But then he would not excuse my journey to Edinburgh to invite the grandees there to our laureation: so that I went, furnished with gloves and theses, which I first presented to the patron, the laird of Colshua, upon white satin. I then waited upon the archbishop of Glasgow, Dr Leighton, at his chamber in the colledge, whereof he had been formerly master. After presenting the service of our colledge and tutor, and invitation to our laureation, I craved his acceptance of the theses, which he thankfully accepted; but presenting then the fine fringed gloves, he started back, and with all demonstrations of humility, excused himself as unworthy of such a present. I humbly urged his acceptance; he still retired backward, and I pursued him till he came to the end of the chamber, and at last prevailed. But it was amazing to see with what humble gratitude, bowing to the very ground, this great man accepted the gloves. This was agreeable to his whole deportment at Glasgow, where the history of his deep humility might fill a volume. I then waited on Sir James Turner, the steward of our university; afterwards on Dr Burnet, our divinity professor, but he was out of town attending the earl of Tweeddale in his last illness. The day after my return home came on the famous laureation in the Trone church (the College-hall, the usual place, not being capable to receive the number of scholars and the grand concourse of the learned clergy and gentry who were invited from all parts, besides a vast multitude of spectators); wherein, after our regent in the pulpit, had prayed in Latin, and opened the design of that solemnity in an eloquent oration, and propounded the theses, came on the disputations, wherein every clergyman and gentleman present, or as many as would, called out what scholar he pleased for his respondent, and opposed upon any thesis that he read. This was a long exercise, which ended, the publick orator (Mr I. L. my chamber-fellow, an Englishman, who accepted the office after I had declined it) pronounced his declamation very well. Then were all the scholars sent out into the church-yard, waiting to be called in by the regent according to his judgment of their degrees in learning, to be observed by the whole assembly. The first call was Arthur Hamilton, a Scots gentleman, the second, Josias C——. I not thinking myself worthy of that degree, put my friend, chamber-fellow and orator, on going in my room; he readily accepted it, and went in. I waited till his turn came to be called, then as I was going, I laid hold on Mr Ainsworth to thrust him in my room, esteeming him a better scholar than either of us, but he refused it, so that I must go in, though (I thought) before many my betters. This being over, we all stood in order in the church. Then the primar, the learned Mr Wright, read his injunctions to us out of the colledge statute book, pronouncing the title of Master of Arts over us: which done, the regent concluded all with a solemn prayer and thanksgiving. These things being ended, all we that were officers assembled to defray all charges and adjust all accounts, which we did to the content of all the scholars by whom we were intrusted. Then all agreed to present the surplusage to the regent. But before this was done, it was agreed (as usually) that every officer should have a dollar for his pains. I opposed the motion, and would have paid 1s. 6d. that I had laid out at Edinburgh for two small books, out of the colledge money; but they would not receive it, saying, the trouble of my journey deserved a better gratuity. But it was carried against my inclination for every one to take half a dollar, which we did, though I thought our excellent regent deserved the best of service. This being deducted, we presented a large purse as our valedictory, which was thankfully accepted."

Read the foregoing extract from the diary of this worthy neophyte, and say whether the times are not altered quite and clean. An archbishop, with all demonstrations of humility, declining the acceptance of a pair of silk gloves as a present too magnificent for him! I will say nothing of the reward of the officers' ser-

1674. letter under his hand to his privy council, of the date of the 7th instant, has signified that upon the demission of Alexander, archbishop of Glasgow, 1669, his majesty did commend to Robert bishop of Dumblane the care of the diocese of Glasgow, and afterward did nominate and present the said Robert to the archiepiscopal see of Glasgow, unto which, as his majesty is informed, he was not formally translated; and that now by the demission of the said Robert, the said archbishopric of Glasgow is become at his majesty's gift and presentation, his majesty has thought fit on just and important considerations, and for the good of his service in the church, to restore, and doth restore the said Alexander to the possession and enjoyment of the said archbishopric of Glasgow, and all the rents, privileges, benefits, and immunities, superiority, casualties and profits whatsomever thereto belonging, in as full and ample a manner as the same are expressed and contained in his majesty's first gift unto him under the great seal of the kingdom; willing and declaring the said gift and disposition to be in as much force in all time coming, during his life, to all intents and purposes, as he had never made a demission; and ordains this letter to be recorded in the books of privy council, and them to pass an act thereupon, that all concerned may yield ready obedience. The lords of his majesty's privy council ordain accordingly in all points."—We have heard before, how and from what springs this restoration was brought about. Upon the 3d of December, he was admitted a privy counsellor; and the reviving of the severities in the west country, against the Presbyterians for some years, are very much chargeable upon him. Little other thing offers itself, directly relative to the sufferings of this church, this year. In June and July, there were no small heats fell in among the bishops and their clergy about the national synod; but because this chapter hath already run out to so great a length, and it was September next year before they came to any issue, I'll refer them to next year.

The business of the advocates, who were this year and the following laid aside for a mere opinion in an abstract question of law, made no small noise. It does not at all concern my design, and I should have left it entirely to civil historians, were it not another instance of the arbitrary and oppressive procedure of this reign. The question was, Whether appeals from the lords of the session to the parliament were lawful; Sir John Cuningham and Sir George Mackenzie, as topping lawyers as in the house, with a considerable number of advocates, happened to differ in their opinion in this point from some of the managers; and this was made a crime, and that party were obliged to lie by from their office. When the sentence against them was a forming, Sir John Nisbet demurred a little upon it, and desired the president might put in some law or act of parliament as the foundation of the sentence. It is confidently affirmed, that my lord Halton replied, "We need not seek law for it, here is the king's letter, and that is sufficient." The matter was patched up next year, in a submission of the nonconforming advocates.

I shall end my accounts of this year with a short hint at the procedure of presbyterian ministers this year and the following, for keeping as good a correspondence among themselves as possible, and licensing young men to be serviceable when the elder sort were dropping off; and I shall give all the accounts I have for these two years together in this place, from some papers drawn up by their meetings, which have come to my hand, and will be a specimen both of their care and prudence at this juncture. Presbyterian ministers, indulged and not indulged, frequently met among themselves as they best could, and put several promising young men, who had prosecuted their studies in private some years, upon their trials, and, upon finding them qualified, licensed them

vices, and the large purse to the regent, which was accepted with thankfulness."—The matter of the gloves remind us of the high esteem which queen Elizabeth felt and expressed for the valuable gift of the first pair of silk stockings made in England. The lapse of fourscore years did not render the present of the gloves more of a common article to the humble archbishop. Our historian does not seem to have known that Leighton did not die till June 1684.—*Ed.*

to preach the gospel; and, as they had opportunity, sent them to preach in those places of the country where they were most wanted, and excited vacant congregations to call them; and, upon the people's call, ordained them with all the solemnity the illness of the times allowed. I cannot give a better account of the pains these worthy ministers took to preserve a succession of ministers in this church, and to keep up the purity and harmony of it, than from their own papers and the rules they agreed upon; and this does not appear to me altogether improper for a history of this nature. The first meeting I find for these purposes, is at Edinburgh, in June this year. The presbyterian ministers in every corner of the church sent more or fewer delegates to Edinburgh, to reason and agree upon rules and overtures which were to be transmitted to the several meetings of ministers up and down the country: and the product of this meeting will be best known by the paper of overtures they agreed upon, and transmitted to their brethren, which I here insert.

Overtures agreed upon in a meeting of delegate ministers from several places of the kingdom, June, 1674.

"1. The brethren did unanimously agree, that there be a serious endeavour for a succession of presbyterian ministers, and recommend it to the several societies to think of the most effectual way to make this practicable. 2. Some brethren present were desired to write unto brethren in several places, to associate themselves in their respective bounds; and that brethren meet by correspondents who live in the bounds of one synod, for the greater harmony in actings. 3. That there be a care had in the several meetings, as they have access, to send preachers where the necessity and desires of the people require them, and, as they travel among the people, to warn them faithfully of the evils and dangers of the time, and to exhort them to seek for things that make for peace, and whereby they may edify one another. 4. That it be carefully provided, that no offer from the state, in order to church affairs, be rejected or accepted by any particular brethren, till advertisement be given to the several societies of such an offer, that their thoughts thereupon may be returned by their delegates or letters, as they shall think expedient; and that ministers therein, as in other things, subject themselves *communi presbyterorum consilio*. 5. That we endeavour to keep correspondence with gentlemen and judicious elders, as they are to be had. 6. That neither actual ministers, nor licentiate young men, settle with a people without consent of the meeting in the bounds. 7. That ministers, as they have access, have a special respect to their particular flocks, without prejudice to the common concernment and work. These preceding articles the brethren thought fit to recommend to the consideration of the several societies, without imposing upon their judgments, that they may send their thoughts of these overtures with their delegates to the next meeting, upon the third Wednesday of October next, 1674." 1674.

Jointly with these overtures, the materials of an address to the government were transmitted to the several associations of ministers, that their judgment might be returned thereupon, and the reader probably will be satisfied to have it, as what contains the sense of several worthy ministers at this time, upon the circumstances of this church, though, as far as I can find, it was never brought to any bearing.

Materials of an address.

"After too long silence, being much pressed with the present condition of the church of God through the land, we cannot but adventure, with all humility and submission, to offer to your lordships' consideration, some few of the many heavy pressures under which she and we groan, beseeching your lordships to have compassion upon us, and by your authority to relieve and help us from under them.

"1. It cannot but be grievous to us, that although we are not conscious to ourselves of any disloyalty, either in principles or in practice, yet we and others of our persuasion have been, these years past, kept under a cloud of disfavour, whereby we have been exposed to many sad inconveniences and sufferings.

1674. "2. We regret, that by the lamentable alterations that have been made upon this church, in the change of the government thereof, and introducing of prelacy, contrary to the word of God, and our solemn covenants and vows to the most high God, atheism, profanity, and looseness, have much abounded, and religion in the practice thereof hath been exceedingly shaken, and the tender and conscientious people of the land, who could not subject thereto, have undergone, and to this day are lying under many sad things.

"3. We humbly crave leave to represent to your lordships, how afflicting it hath been to us, that our readiness to acknowledge the civil supremacy of the magistrate, not only in things civil, but also as to things ecclesiastic, according to the scriptures, and confessions of the protestant churches, is not taken off our hand as a sufficient test of our loyalty, unless we give to him that which we cannot grant, as we would not be found guilty of encroaching upon the sovereign authority of Jesus Christ, the alone king and head of his church, which we humbly conceive is grievously encroached upon.

"4. We with much sorrow bewail the great obstructions that have been laid in the way of preaching the gospel, by ministers called to that work by the church of Scotland, (who find themselves under a necessity to preach the gospel upon all hazards) from which it is that ignorance and looseness have abounded, with many other evils; and others, who (from single respect to the gospel, and not from any the least disrespect to authority) have adventured upon preaching and hearing, not without an encouraging blessing have been exposed to many and great mistakes, and sore troubles.

"5. That a great number of young men, whom God hath fitted for the work of the ministry, by whose labours many souls might be gained to Christ Jesus, are kept useless now when the harvest is great, and that only because they cannot subject to the trials and ordination of prelates.

"6. That although there be an observable and prodigious growth of popery and quakerism (which is upon the matter a renouncing of Christianity,) yet there are few or no endeavours or effectual means used to restrain the seducers, or reclaim their deluded followers.

"We humbly therefore beseech your lordships, by the love you bear to Jesus Christ, before whose tribunal we must all quickly stand, to remove these and other sad evils, under which the Lord's servants and people heavily groan, that so the gospel may have a free course, and the starving souls of the poor people may be relieved with the bread of life, and may bless your lordships, when they have access with peace and freedom, after their wonted manner, to enjoy their souls' food. This, we doubt not, will contribute much to the establishment of his majesty's throne, and will bring many blessings upon your lordships and your families, and will encourage us more and more to deport ourselves with all affection and loyalty to his majesty, and will not a little make way for your lordships' peace, in the day when the Lord will come to call every one of us to an account."

These materials and the above overtures were transmitted up and down the country, and were generally fallen in with by ministers, and additions and amendments made to them. The only copy I have met with of the return of particular meetings, unto the next general meeting, is from Paisley, and I think it deserves a room here, as containing a further view of the sentiments of some very worthy men at this juncture; and so it stands as a note.*

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* *Presbytery of Paisley's sense of the overtures, September* 29, 1674.

Mr Hugh Peebles and Mr William Eccles, are by the brethren appointed delegates to the meeting of correspondents at Edinburgh, and empowered and commissionate to declare their agreement to the overtures and materials in the sense underwritten, and in other new cases to consult and report.

To the first overture, as we heartily agree that young men (as Providence offers occasion of them) upon trial had of their piety, orthodoxy, and abilities, and being found qualified, be licentiate by presbyteries as probationers; so we earnestly wish a succession of godly and able presbyterian ministers may be carefully seen unto in all due ways. In order to which, it is our judgment, 1st, That none be ordained without a particular charge, at least until the lawful-

These were the thoughts of the brethren of Paisley upon what was sent them. I have not seen the sentiments of any others, neither do I know whether the meeting of correspondents had liberty to meet at Edinburgh in October, as they designed: perhaps they did not, at least I have seen no accounts of their procedure, and we will just now find another meeting pressed by the ministers of the west country. This business then of agreeing upon general rules, for management at this difficult juncture, seems to have insensibly dropt into the hands of the ministers in the bounds of the synod of Glasgow. Indeed the greatest number of presbyterian ministers was there, and in other places they scarce had the liberty to meet together; and the brethren in the west country I find following out this good work the beginning of the next year. Because the subject is the same, I bring it in here, that the whole relating to this may be together. There was a meeting for a synodical correspondence, at Glasgow, January 20th, 1675, and they give their sense of the forementioned articles, remitting them further to the presbytery's consideration. What was done at Glasgow, will best appear from a copy from their minutes, which I have added in a note.* 1674.

ness and expediency of ordaining to an indefinite and ambulatory ministry, be further considered by the presbyteries, and allowed by the unanimous consent of the general correspondents. 2dly, That where a congregation is vacant, and the people harmoniously calling an approven man to be their minister, and engage to maintain and adhere to him as their minister, and he being willing to embrace the charge, in that case (no other manifest obstruction appearing) he may and should, being tried and found fit, be ordained by the presbytery of the bounds: it being always provided, that the whole business be carried on in an orderly way, as formerly wont to be, agreeably to our presbyterian principles, except where necessity compels to recede from any of the usual circumstances. To the second, the first branch thereof we approve, adding that we judge it fit that they and every other association be fixed and distinct in their members, as wont to be formerly; and for the second branch as we agree, there be synodical correspondence, so we think it expedient for the *interim*, that it be done by two delegates from each presbytery, and three or four times a year at least, and that their power be only consultative till further settlement. To the third we agree, it being always provided, that in warning the people of the evils of the times there be no reflections upon the rest of their brethren, and that no association, without manifest and extraordinary necessity, send preachers to any people within the bounds of another association, without their consent. To the fourth, It is agreed unto, understanding it of an offer of public concern, and providing the advertisement and return of judgments mentioned be done *sine mora*, at least within the space of after the offer. To the fifth agrees; yea, that elders be restored in due time to their place in our respective meetings. To the sixth we agree; adding that we think it fit also, that no stranger take upon them to preach or baptize within the bounds of any of our associations, without the allowance of one or more of the ministers of the bounds; nor is any minister or expectant to preach or baptize at all, (except occasionally,) within the bounds of a presbyterian minister's parish, without his consent, nor to go any where through the country preaching, without the direction of the presbytery, whereof themselves are members, to whose regulation they should and must be subject herein. To the seventh agrees, provided it be not interpreted to oblige ministers already settled otherwhere, to desert their present station, and to return to their former charge, without an open door of regress, at the judgment of their brethren; and that upon the other hand it allow not any to continue unfixed, who may have an open door to the settled exercise of their ministry, at the judgment of their brethren.

Addenda.

1. That it be agreed upon and inviolably observed, that the meeting of the general correspondents be constitute of two or three delegates from every *classis*, and that they meet twice a year or oftener, *pro re nata*.

2. That the names of the members of each association be sent to the meeting of synodical correspondence, and the constitution of the classes be liable to be judged and determined by them.

3. That for harmony's sake, and the free course of the gospel, there be henceforth no preaching nor writing against one another, nor upon any matter of common concernment, without the allowance at least of the respective associations.

4. That at the ordination of ministers, they be taken bound to adhere to, and maintain the reformed religion of the church of Scotland, in doctrine, worship, discipline, and government, as it is contained in the scriptures, summarily held forth in our Confession of Faith and Catechisms, and sworn to in our covenant.

Deliberanda.

1. What is to be accounted a vacant parish, whereunto a minister may be ordained.

2. That some expedients be thought upon for calling the meeting of general correspondents *pro re nata*.

As to the materials of the address, we heartily agree that there be an address vigorously prosecuted, and that these or other materials be put into form; but if an address cannot be unanimously accorded, that some way of public testimony and warrant be thought upon, and brought as far length as can be to be remitted to the several societies to give their thoughts upon, and to be brought to as speedy a conclusion as may be.

* *Articles agreed on at the meeting of ministers, January* 20, 1675.

Delegates from the presbytery of Ayr, Irvine,

1674. These resolutions and recommendations are the sense of a good number of ministers met at Glasgow; yet they are remitted to the further consideration of particular associations. I know not whether they met at Strathaven in June, as was appointed. All I have further on this subject, is a few exceptions against what is above, by a particular minister, and the presbytery of Paisley's sense of them at two meetings; both which I give, that the reader may have all come to my hand upon this head. The first stands, as under.* Those exceptions seem to be from a minister who

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Paisley, Glasgow, and Hamilton, being met in a synodical correspondence, to consider of matters of their common concernment, and taking the overtures propounded by the meeting at Edinburgh to consideration, the unanimous sense of the several associations, after collation, is found to be as followeth, which yet was remitted to the several presbyteries, to be further considered.

As to the first overture we are agreed, 1st, That students of theology, as Providence offers occasion of them, be carefully seen to in their breeding, and upon trial had of their piety, orthodoxy, and abilities, they being found qualified, be licentiate by presbyteries as probationers. 2dly, That a succession of able and godly presbyterian ministers be carefully seen to all in due ways, and by fit means. In order to which, it is judged proper, 1st, That none be ordained without a particular charge, until the matter of ordaining to an indefinite ministry be further considered by the several presbyteries. 2d, That where a congregation is vacant, and a sufficient call had of an approven man to be minister there, he being willing to embrace the charge, and the people engaging to maintain, subject themselves, and adhere to him as their minister, he may and should, being tried and found fit, and no other manifest obstruction appearing, be ordained by the presbytery of the bounds, or in case there be none, by the next adjacent presbytery. 3dly, That where the plurality or considerable part of a parish does desire a faithful minister, they be also provided for according to order, as aforesaid. 4thly, That at the ordination of ministers, they be taken bound to adhere to and maintain the reformed religion of the church of Scotland, in doctrine, worship, discipline, and government, as it is contained in the scriptures, and summarily held forth in our Confessions of Faith and catechisms, and sworn to in our covenants. To the second, the first branch thereof is allowed, adding, that we think it fit, that these and every other association be fixed, and distinct in their members: and for the second branch it is agreed there be synodical correspondence, and thought fit that it be done for the *interim* by two delegates from each presbytery, and thrice a year or oftener, *pro re nata*, and that, till further settlement, their power be only consultative *pro prima vice* in matters, till their proposals be taken back to presbyteries, and the presbyteries' judgment or commission to conclude them be had. To the third: it is agreed unto. To the fourth: it is still left under consideration till next synodical meeting. To the fifth agrees; yea, that elders be restored in due time to their place in our respective meetings. To the sixth agrees, adding, that we think it fit also that no stranger take upon them to preach or baptize within the bounds of any of our associations, without the allowance of one or more of the ministers of the bounds. To the seventh: it is conceived, that the respect therein mentioned should for the time reach so far, as that each minister not already employed either in his own or some other vacant charge, should repair to his own charge, or as near thereunto as may be, or as he can attain tolerable accommodation and access to the exercise of his ministry; yet so as that, in regard of the great necessity of desolate places, and paucity of honest ministers, he may be ready to help other needful places as he shall be particularly called, or have the advice of the meeting where he resides; and for making this further practicable, that such ministers preaching elsewhere, deal with these parishes to invite and encourage their own ministers home, and deal with others to agree with some qualified person for their supply, with the consent of the presbytery.

Moreover, the brethren delegates thought fit, 1mo, It be agreed upon and inviolably observed, that the meeting of general correspondents be constitute of two or three delegates from every *classis*, and that they meet twice a year or oftener, *pro re nata*. 2do, That the names of the members of each association be sent to the meeting of synodical correspondence, and the constitution of the classes be liable to be judged and determined by them. 3tio, That, for harmony's sake, and the free course of the gospel, there be henceforth no preaching nor writing against one another, nor upon any matter of public concernment, without the allowance at least of their respective associations. Further it is recommended to the several meetings to bring in the names of the expectants within their bounds, to the synodical meeting. It is also thought fit, that ministers that are not in charge preach sometimes with their brethren that be in charge, upon their invitation, and that these in charge do sometimes, as conveniency allows, preach in congregations that want, upon the people's invitation. It is recommended to the brethren of Glasgow to write to Messrs Robert Law, Robert Mitchell, James Walkinshaw, and Thomas Melville, to associate themselves together, to take care of the bounds of the presbytery of Dumbarton. 4. Recommends it likewise to Messrs Andrew Morton, Alexander Jamison, and John Baird, to write a letter to the brethren of the east, for drawing on a meeting of general correspondence. It is agreed that the next general meeting be at Strathaven, upon the first Tuesday of June. Lastly, Recommends it to Mr Patrick Simpson to correspond with the brethren of Argyle, to draw them to correspond with the general meeting of other synods.

* *Exceptions by a particular minister.*

As to the inscription, they are not the unanimous sense of the several associations, on the overtures, and that because several particulars in the former paper were not so much as debated and concluded in some associations, let it be committed to their delegates as their sense. As, 1mo,

hath been dissatisfied with the indulgence, and not so cordial for an union with the brethren who had freedom to embrace it. I end this account with the sentiments of the brethren in Paisley, at two different meetings this year, and they are added below.*

From those we may understand the great care and caution exercised by the remaining presbyterian ministers, to have matters as near the constitution of this church, and managed with that unity, harmony, and caution, as their circumstances would bear. According to these regulations they generally acted, till piece by piece their liberty was retrenched, and divisions and jealousies broke in among themselves. I only add further, that as they took care of things among themselves so they took hold upon every handle that offered, for the bettering of the manners and practice of this dissolute age, and putting a stop to the 1674.

That about the power of synodical correspondents, that it shall only be consultative, and not authoritative. 2do, The explication of the respect mentioned in the seventh overture, which seems to restrict it to ministers who have not accepted of the state's indulgence. As to the explicatory addition on the second overture on the second branch, it seems not consonant to our presbyterian principles. 1st, Because there being a constitution of presbyteries by the election of several meetings of ministers, uniting together for the good of the gospel, and acting authoritatively for the good of the same, they are bound, by the institution of churches, to associate and meet in more general assemblies, for the common good of the church within their bounds to exercise that same authority to which all are bound to be subject; for it is one and the same authority, whether it be more extended or restrained as to its object. 2dly, The meeting of ministers in ordinary, whether lesser or greater for the advantage of the gospel in the bounds where they exercise statedly their ministry, have that authority flowing immediately from their office, and the institutions and precepts of Christ in his word; and it is not in the power of ministers or people by any agreement to alter the same, their conclusions agreeing with the word, do bind all ministers and professors to obedience, so that this explanation looks not agreeable to Matthew xviii. Prudentials are not to be preferred to commands and institutions. Upon the agreement anent the fifth overture, *quæritur*, What is meant by restoring of elders in due time, supposing as if it were not now? Upon the agreement on the sixth overture, *quæritur*, What is understood by stranger ministers, whether those without this church, or without the bounds of the respective associations, if not fixed members thereof; the explanation allowed as to the former, not as to the latter? Concerning the explanation of the seventh overture, *quæritur*, Who are understood by ministers employed in their own, or other charges, whether these that have accepted the state's indulgence?

* *Presbytery of Paisley's sense of the articles, November* 18, 1675.

The brethren agree to what is overtured in reference to the first overture, except the third article thereof, which is referred to further consideration; also they think fit, that instead of the word "meetings" in the first article, be put the word "presbyteries." What is said to the second branch of the second overture, is referred to further consideration.

The brethren resuming the consideration of the overtures at Glasgow agreed further, as follows:—That as to the third article their judgment is, that in this extraordinary case of the church, such congregations as want a godly presbyterian minister, where they or a considerable part of them do desire it, pains be taken to provide such an one among them, whether an actual minister that hath not access to his own charge, or an expectant, as aforesaid, in the sense of the synodical correspondents, on the first overture. Further, it is referred to the consideration of the synodical correspondents, what is to be done for supply of congregations, whose minister is indulged to preach in another congregation than their own, and that congregation is desolate, or have only a conformist incumbent that they do not submit unto; also what is to be done by and for congregations, whose ministers being by the people and their brethren desired, do not come to supply them. As to the second branch of the second overture it is our mind that the meeting of synodical correspondents have power to conclude and decide authoritatively, in things within their own bounds; only that any new case, or of common concernment, that the several meetings have not had their thoughts of, be referred back to their consideration, that, according to the more general mind of the meetings, things may be the more satisfyingly and unanimously determined in the next synodical meeting, and submitted to by all accordingly. What is said upon the sixth overture is referred to further explication, if it extend to occasional preaching of known ministers among people that have not a settled presbyterian minister, or if it be not also with a reservation of the occasional supply of such vacancies on the desire of the people, by brethren of our own presbyteries or synod. Unto the first overture it is added, that we humbly conceive, that where a congregation desireth to be supplied or settled with a godly minister, and there are found difficulties in the case by the presbytery of the bounds, it should be referred to the meeting of synodical correspondents; which, if it be interrupted or delayed, or be not to meet so soon as the case requires, the presbytery may call some next neighbour presbytery to join with them for their assistance. (Glasgow brethren add, that upon a reference made by the presbytery of the bounds to the next adjacent presbytery they may go about the same.) It is referred to the correspondents what way is to be taken with the brethren, who in the bounds of a presbytery do not associate, and will not keep meetings with them.

1674. profaneness that was now so rampant, and so little curbed by the established clergy. They went as far this way in their sessions and other meetings, as their circumstances allowed them to exercise discipline: and to help what was wanting in this, where they had gentlemen in their congregations who would join with them, they constituted them reformers of manners, in the terms of the above mentioned act of parliament. I shall annex here the tenor of the commission for this effect, given by Mr Thomas Wylie and the session of Fenwick, to Rowallan younger, from the original copy before me, and with it end this chapter.

At Fenwick, December 2d, 1674.

"The whilk day, the heritors and kirk session of Fenwick convened, by virtue of the 22d act of the 3d session of the 2d parl. of King Charles II. entitled 'act against profaneness,' of the date September 1672, did, according to the appointment of the foresaid act, nominate, likeas, by these presents we do nominate William Muir of Rowallan younger, residenter within the said parish, as most fit to execute the penal statutes of several acts of parliament against cursing, swearing, and other profanenesses exprest in the foresaid act, and other acts therein specified: and did, likeas, by those presents do appoint, and earnestly desire Sir William Muir of Rowallan elder to present this unanimous nomination of the said William Muir younger of Rowallan, to the effect foresaid, to the right honourable and noble lord the earl of Eglintoun, bailie of Cuningham, and to entreat his lordship to grant commission in terms of foresaid act, and a deputation to the said William Muir of Rowallan younger, for convening the persons transgressors of the foresaid statutes against profaneness, and to judge them according to law. In witness of the premises, we have subscribed these presents," &c.*— It is time now to go on to what is more directly the subject of this history, and to come forward to the account of the persecution in the following year.

CHAP. X.

OF THE STATE AND SUFFERINGS OF PRESBYTERIANS DURING THE YEAR 1675.

THIS year produceth no great alteration in the circumstances in the 1675. suffering party in Scotland. Conventicles continued, yea, grew, and the bishops and council were not wanting in their efforts against them; and the new and illegal experiment of garrisons up and down, begins to be executed in this period. A good many ministers are intercommuned, and several gentlemen and others are persecuted, not so much for their breach of the laws, as for their adhering to the presbyterian interest,

* Among the eminent men who died in the course of this year, our historian has omitted to notice the death of Mr George Hutcheson, one of the ministers of Edinburgh, so justly esteemed by all his brethren, and who acted so conspicuous a part in the matter of the accommodation proposed by archbishop Leighton, and also in the indulgence. Of this eminent man Mr Law has given us the following notice:—"March 1st, 1674, dyed suddenly, that eminent minister, Mr George Hutcheson, being about 59 years, at Irvine, having examined all day before some of the people of his parish, and took his supper as he used, and after his first sleep fell exceeding unwell, and in two hours' tyme was removed, as was thought by a plurisie of blood: thus the church lost an eminent light. He was a man much weighted with the wofull divisions of our times, and yet had no less measured out to him than others of the worthies of the church of Scotland that went before him, even reproach and evill speaking, so that I truely think reproach broke his heart; and when he was gone, except by those of whom wisdom is justified, his death was but by few mourned for; so that it was truly verified of him 'the righteous perish, and no man lays it to heart.' It is the same who emitted learned and useful comments upon the minor prophets, Job, and the evangell of John, and who was minister at Edinburgh before our troubles fell in." p. 65. Like Joseph Caryl, his precursor in the same line, Mr Hutcheson selected the book of Job as a *favourite* theme for lecture, and his book contains the substance of 316 lectures! Forty-five of his sermons on the 130th Psalm were published at Edinburgh from his MSS. in 1698. The only part of his writings that I have perused is his work on the minor prophets. On a subject confessedly difficult, he exhibits a richness of thought and a judiciousness of illustration seldom surpassed. The work is a standing proof that our covenanting ancestors, notwithstanding all the disadvantages under which they laboured, could think and write in a far better style than the readers of "the Scotch Presbyterian Eloquence" might be led to suppose.—*Ed.*

and liberties of their country. In England, no small endeavours were used with the king to make him quit Lauderdale, but in vain; and in Scotland, the debates among the episcopal clergy, which began last year, are brought to a period. These, with some more transient things falling in, may be the subject of two sections. In the first, I shall bring in the proper sufferings of presbyterians this year; and in the other, glance at other incidents which may give some light to the history of this time, till it be set in its due light, and likewise in some measure clear up the circumstances of presbyterians.

SECT. I.

Containing an account of the persecution of conventicles this year, and the harsh treatment of presbyterian noblemen, ministers, gentlemen and others.

NOTWITHSTANDING of the rigorous and unprecedented laws, made in the former years, against preaching and hearing the gospel in houses and fields; yet this year, meetings to hear presbyterian ministers were very numerous, especially in the fields; and unless in Edinburgh and some other towns, there were but few sermons in houses. In most places up and down the country, there were not houses capacious enough for the numbers that now came to hear; though I shall not say, but, in some places, there might be a kind of affectation to be in the fields, where there was not an absolute necessity, people being easier there in the summer time: but, generally speaking, the violence of the soldiers, and the numbers of the hearers, forced them to the open fields. It must be owned, even by adversaries, that much success, and many remarkable, yea, extraordinary conversions and changes did accompany the labours of presbyterian ministers, at this time, up and down the country. Many were pricked at the heart, and cried out, "Men and brethren, what shall we do to be saved!" And their after-practice evidenced their repentance was not to be repented of; and the Lord gave testimony to the word of his grace. Sometimes people of years would come to ministers, and bemoan their want of baptism, and, after instruction, received it, to the edification of many. Others had their secret sins set in order before them, and would come to ministers and confess them, and offer public satisfaction for them. Now and then conformist ministers came, and, after the forenoon's sermon, offer themselves, and, as circumstances allowed, actually did profess their sorrow for joining in the present course of defection. In several places they forsook their churches, changed their way, and, upon their candid acknowledgments, were received by the ministers preaching in the fields, and were as welcome to the people as any. Indeed the laws and their execution were so severe, that not many gentlemen of estates ventured to come to these field meetings, this being present ruin to their families: but their ladies, and not a few of very good fashion, were daily attendants, and the common people were very numerous. Several ministers and preachers joined these named in the former years; and the work of the gospel did very much advance for two or three years, and multitudes of souls were gained to Christ. 1675.

These meetings were so numerous and frequent in many places, that our statesmen could not reach them all, and found it necessary to overlook what they could not help. The bishops indeed violently pushed prosecutions, and, we shall hear, got somewhat done. They had several of the soldiers, and some others up and down the country, whom they kept in pay; and their business was, to catch, if possible, ministers who preached in the fields, or some of the most active of the hearers. There were spies at some meetings, and, as they found opportunity, essayed to catch at the next meeting, especially in coming or going. This obliged many to come to hear the gospel with arms, for their own defence; and some scuffles ensued in several places, so that the country resembled war as much as peace: and when sudden attempts were made by soldiers and spies, it is little wonder some indiscretions fell out among the suffering people. Indeed it was matter of wonder there was no more of this than was, if, upon the

1675. one hand, we reflect upon the violence and injustice of the attackers; and, upon the other, that ministers preached without judicatories to overlook them, and might thus be in hazard to deliver their own opinion in difficult and emergent cases, with somewhat of their own spirit mixed with it, at least so as people might mistake them; and no doubt there were mistakes of this kind, and some ran lengths far beyond any thing preached to them. Yet it is certain there was very little of this at this time, and for some years, until the differences among presbyterians were heightened, and the flame blown up, partly by enemies, and partly by the warmth of some friends; and at length some hearers inclined to set up for judges and directors in controversies, more than disciples, as may be noticed in its own place. However, the gospel in the hands of the outed ministers had a free course at this time, and many were turned unto righteousness: through many places on the south side of Tay, people were almost as much watered, and the gospel as generally preached, by the indulged in the churches, and their brethren in the fields, as if presbytery had been settled. Meanwhile their adversaries were not idle, and the council take several various methods to stop and discourage conventicles; and some ministers and others were severely enough treated, and some very exorbitant fines exacted in some places. I come now to particulars, and shall first run through the procedure of the council, and then the more particular sufferings and prosecutions.

It was in March this year, that complaints are tabled by the prelates to the council, of some conventicles in Edinburgh, near Bathgate, and in other places. Orders are given to the lord Ross his troop, to march in different parties, and suppress them, and seize all they can meet with, in the terms of former acts. It seems the ministers got out of the way, at least no accounts of any taken at this time are come to my hand. The town of Edinburgh, upon the 11th of March, are fined in a hundred pounds sterling for conventicles alleged to be kept within their liberties; and the magistrates, by virtue of the bond they gave at their election, are obliged to pay it, and have reparation off the houses where they were kept. And upon the 12th of March, the council order four companies of foot, and a troop of horse to quarter at Glasgow, for the easier suppressing of conventicles.

Towards the end of May, a party of soldiers, who had seized Mr John King near by the house of Cardross, were set upon by some country people, and he rescued, which made a great noise, and was the occasion of a great deal of trouble to my lord Cardross, which I shall afterwards more fully narrate in its own room; here I shall only notice the consequents of it from the government, which were not small. Accounts were soon transmitted to court by the prelates, and a letter came from the king to the council, dated June 12th, "complaining of this attempt upon his forces, and the rescue of Mr John King, and of the increase of conventicles in Teviotdale and East-Lothian; that the indulged ministers kept numerous and disorderly communions; that lately there was a meeting of the indulged and outed presbyterian ministers, who issued out orders for keeping of fasts, and other illegal injunctions, as if they had been a judicatory: and requires the council to inquire into these disorders, and to summon all the counsellors to be present that some order may be taken anent them."—That the indulged kept communions I have no question, but have learned nothing of this meeting of presbyterian ministers here mentioned, unless it be a meeting of the indulged ministers in the shire of Ayr, of which afterwards. I find this summer was most threatening to the fruits of the ground; and it is very probable, ministers would give it as their mind, that the Lord was to be applied to by fasting and humiliation in this extraordinary case, by these who would join with them in their congregations. Probably somewhat of this may have given rise to the council's appointing a fast in July, the act appointing which I have insert in a note,* as being what

* *Council's act for a fast, July 15, 1675.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to all and sundry our lieges and subjects whom it effeirs greeting; Forasmuch as the

some of my readers may be willing to see. According to this letter, the council order the archbishop of Glasgow, lord privy seal, earls of Argyle and Linlithgow, the president and advocate, to meet and inquire into all these heads in his majesty's letter, with very large powers; and I find, next council day, no doubt by a proposal from this committee, the advocate, June 22d, is ordered to form a libel against my lord Cardross and others, for Mr John King's rescue. And this same committee fall upon the overture, which proved afterwards so troublesome to the country, to set up garrisons, of which more just now. The best account I can give of the council's procedure, will be from their own narrative in a letter to Lauderdale, July 15th this year, which I here insert.

"May it please your grace,

"In obedience, and conform to his majesty's letter directed to us of the 12th of June last, we did appoint 1675. a committee of our number to consider the same, and to propose the most effectual expedients for preventing the disorders mentioned therein, and others of that nature; who having had frequent meetings thereupon, and made a report to us of their procedure and opinion, we did conclude and pass the acts following.

"Whereas there being divers outed ministers and others, since his majesty's late proclamation, March 24th, 1674, denounced fugitives for not compearing before the council, to answer for preaching or being at field conventicles, we ordered that letters of intercommuning should be directed against all these persons, seeing all other courses hitherto taken had been ineffectual.

"Whereas the council, by an act 28th of July, 1674, in pursuance of the 4th act of

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Almighty God, in his most wise and righteous providence, after the sinful abuse of his most signal mercies of the blessed gospel, of our own and our subjects' wonderful deliverance from the yoke of usurpation and bondage, by the almost miraculous restoration of us to the exercise of our government, and of the long and merciful continuance of our despised peace and plenty, doth, by his warnings and judgments incumbent and impendent, manifestly discover his anger and displeasure against the grievous sins of this kingdom: and particularly by the sad and pinching dearth, whereby many indigent persons and families are reduced to a starving condition, and by the long and threatening drought, the Lord, in his righteous judgment, having so long bound up the clouds, making the heavens brass, and the earth iron, thereby threatening our subjects of this kingdom with the breaking of the staff of their bread, and with the dreadful plague of famine; which dispensation doth with a loud voice call upon all ranks of people for speedy and true repentance, and the national expression hereof by deep mourning and solemn fasting and humiliation. Therefore we, with advice and consent of the lords of our privy council, do ordain a day of public and solemn fasting and humiliation, to be kept and observed by all the people of this kingdom, in the several parishes thereof, strictly commanding and requiring them upon that day, to cease from all the works of their ordinary callings, and to repair to their respective parish churches, and there make solemn confession of their sins, and implore the divine mercy for the land, by praying, mourning, fasting, and such other devotions, as are requisite and usual upon such days of public humiliation: and more particularly, humbly to confess and mourn for the great neglect and contempt of, and disobedience to the blessed gospel, and the ordinances thereof, and the great and lamentable increase and prevalency of atheism, profaneness, and irreligion, which is thereby occasioned, and for the sinful undervaluing of the great blessing of peace, so long enjoyed by our subjects under our government. By all which, and many other crying sins, the Lord's jealousy and anger are kindled, and his hand is stretched out against this kingdom, threatening the destruction of the fruits of the ground, the necessary provision for the life of man and beast, that by serious mourning for, and sincere and hearty turning from these provoking sins, the Lord may graciously pardon them, and repent him of the evil seemingly determined by him, and most righteously deserved by us, and may open the clouds and grant the latter rain in its due season and measure, reserving for us the appointed weeks of the harvest. And for this end and purpose, we, with advice foresaid, do seriously recommend to, and require the archbishops and bishops, to be careful that this fast be duly observed by the ministers in their respective dioceses, as follows, to the archbishops of St Andrews and Glasgow, the bishops of Edinburgh, Dunkeld, Brechin, and Dumblane, to cause it to be intimated in the several parish kirks of their dioceses, upon Sunday the twenty-fifth, and observed on Wednesday the twenty-eighth of July instant; and the remanent bishops, whose dioceses are more remote, to cause it to be intimated on Sunday the first of August, and to be observed the fourth of August next. And as to such ministers, who, by reason of their distance from Edinburgh, cannot be so soon advertised, that they celebrate this fast upon the next convenient Wednesday thereafter.—Given under our signet at Edinburgh, the fifteenth day of July, and of our reign the twenty-seventh year, one thousand six hundred and seventy-five years.

Per actum dominorum secreti concilii.

AL. GIBSON, Cl. secr. concilii.

God save the king.

1675. the 2d session of his majesty's first parliament, did ordain the archbishops and bishops in their respective dioceses, to inquire what persons had taken upon them to be chaplains in families, or to teach any public schools, or to be pedagogues to the children of persons of quality, and to report; in regard the said report has not been made, we have renewed our former act, and ordained a report to be made betwixt and the first council day in November next.

"Having conceived, that it may be a most effectual expedient for preventing of conventicles, and the like disorders in time coming, that garrisons should be appointed in several places; we have ordained garrisons to be at the places underwritten, viz. at the house of Bridghouse in Linlithgowshire, at the house of Cardross, at the house of Glentirring, at the house of Mearns in Renfrewshire, at the house of Newhouse in Kinross, or at the house of Douchill in Kinross, at the house of Dean in Kilmarnock, at the house of Airdrie in Lanarkshire, at the house of Branksham or Newark, at the house of Hunthill, at the house of Blane in the Merse, at the house of the laird of Riddel, and at the Castle of Dumfries: and have issued out several orders and directions for the provision and accommodation of the soldiers in the several garrisons, in the manner at length specified in the report made by the committee, and approven by us; wherefore a copy is sent herewith.

"Being informed that the kirk of Carmichael, at which an indulged minister was allowed to preach, is now vacant by the decease of that minister, and upon other important considerations, we have ordered that Mr John Forest, who is indulged to preach at Tillicoultry, should be transported to the said kirk of Carmichael.

"Information being given, that the haill magistrates and people of Queensferry, except a very few, withdraw from public worship; we have given order to his majesty's advocate to process them: we have also ordered him to process several outed ministers, for disorderly communions, in Tweeddale, and some other places; and some indulged ministers in the shire of Ayr, for assuming the authority to appoint fasts, giving ordination, and contravening the instructions given them at their indulgence, of which a particular account shall be given to your grace at the event of the process.

"Having considered the act of parliament against conventicles, passed upon the 13th of August, 1670, and another act of the said parliament, passed upon the 20th of that month, against separation, we find the same were to endure for three years, unless his majesty should think fit to continue them longer; and by act 4th, 1672, they were prolonged: we desire your grace may offer it as our opinion to his majesty, that it will be necessary his majesty prorogate these acts three years further, or to ordain them to continue in force, ay and while his majesty declare his further pleasure thereanent, and that a proclamation be ordered for that effect. We are, your grace's assured friends," &c.

The appointment of garrisons was the fountain of so much trouble to the country, and these soldiers in them the authors of so much of the following harassings of presbyterians, that I must insert here the act of council about them, of the date July 13th this year.

"*Act appointing garrisons in some places*

"The lords of his majesty's privy council, considering that it may be a most effectual expedient for preventing of conventicles, and the like disorders in time to come, that garrisons were appointed at the places underwritten; do ordain and appoint garrisons to be at the places aftermentioned, viz. at the house of Bridghouse in Linlithgowshire, at the house of Cardross in Perthshire, at the house of Glentirring in Stirlingshire, at the house of Mearns in Renfrewshire, at the house of Douchill in Kinrossshire, at the house of Dean at Kilmarnock, in the bailiary of Cuningham and shire of Ayr, at the house of Airdrie in the shire of Lanark, at the house of Newark in the shire of Selkirk, at the house of Hunthill in the shire of Roxburgh, at the house of Blane in the shire of Berwick, at the laird of Riddel's house in the shire of Roxburgh, at the Castle of Dumfries in the shire of Dumfries.

" And ordain that in ilk garrison there be a company of foot and twelve horse, and that ilk two garrisons next adjacent have one captain to command them; and remit it to major-general Monro, as he shall find the places of the two several garrisons more or less convenient, to put the fewer or greater number in either of them for the more conveniency: and that the general major ordain the officers to keep and remain at their respective garrisons, and not leave their duty and charge, under the pain of being cashiered: and that it be not in the power of any officer to grant furlough to any soldier, during the time they are in garrison. And do ordain that the officers and soldiers, betwixt and the first of August next, be at the several garrisons foresaid: and that the officers take special care that no prejudice be done by the soldiers to the houses or planting, but when they shall be appointed to remove, they shall leave them in as good condition as they found the same.

" And further, ordain the sheriff of the shire, bailie of the regality, or steward of the stewartry, in which the garrisons are, to convene any three or four of the commissioners of the excise of the bounds, that they may, with the officer who is to command at the respective garrisons, sight the said houses, that the same may be made ready to receive the said garrisons at the said day, and the said sheriff, bailie, or steward, shall convene the said commissioners, and three be a quorum, who are hereby required to cause furnish the respective garrisons with bedding, pots, pans, coal, candle, as is ordinary, and set down prices for the corn, hay, and straw for the horses, as soon as the same comes off the ground, and cause carry in and deliver to the garrisons such quantities as are necessary for the horses, at the said prices, upon the payment of the price.

" And for the provision and maintenance of the said garrisons, the lords of council recommend to the lords of treasury, to ordain Sir William Sharp, his majesty's cash-keeper, to provide meal to the soldiers at Leith, and other places, and to deliver the same by weight to the officers, who are likewise ordered to deliver the same to the soldiers by weight, and that the officers shall have allowance from 1675. the cash-keeper of two shillings Scots a mile, for the carriage of each horse load."

The council, upon August 6th, this same year, make another act anent the garrisons, which I insert likewise here. After a narrative of the same nature with the act abo ve, they ordain,

" That the general major see that the officers be careful that no disorders be committed by them, or any under them; and that they endeavour to keep good intelligence in the country about them, in order to prevent all disorderly meetings; and in case any conventicle be held, whereof they shall be informed, ordain them to use their endeavours to apprehend the minister, or other person preaching thereat, and any considerable persons present at the same: and likewise to secure any ministers, who by sentence of council are declared fugitives, conform to a particular list to be given under the hand of one of the clerks of council. And upon information of any number of men in arms, if they find they can give no good account of themselves, that they endeavour to dissipate them, and seize on them; and likewise any persons known to have been in the rebellion 1666, and who have not accepted of the benefit of his majesty's gracious act of indemnity. And for the better execution hereof, the officers of the said garrisons are to keep correspondence among themselves, that no inconveniency fall out. Of which, and of every thing of moment that shall fall out, they shall give timely advertisement to the major-general, or, in his absence, to the next commanding officer, who are to acquaint his majesty's privy council, or give such orders as they shall find convenient."

This appointment of garrisons was not only unprecedented, in time of peace, but, by many, thought plainly contrary to law, and the liberty of the subject: for any thing I can see, it was purely owing unto the virulence of the bishops, and their party in council, and enacted without any order from the court, or so much as acquainting the king with so extraordinary a step, until it was done. They were indeed approven by

1675. an after-missive, but the country owed this oppression merely to the arbitrary managers; and, we shall hear just now, that some gentlemen refused to pay their quota to the support of these illegal oppressive garrisons. The rules laid down, to prevent prejudice to the places and country about where the garrisons were, did not at all answer the end; their powers are very large, and they soon found pretexts to insult and attack any in the neighbourhood they pleased: beside, the charges of maintaining them, and bringing in what went under the notion of provision to them, was a terrible burden to the country; and considering the plain design of their setting up, and the narrative of the council's act anent them, bearing, They were appointed for bearing down of conventicles, that is, the pure dispensation of the gospel, and for the apprehending of honest ministers and others, a good many conscientious persons refused to contribute to their support; and this became new matter of persecution. In short, this method was most oppressive and unjust, to send so many rude soldiers to live, as it were at discretion, and nestle in a great many loyal and peaceable gentlemen and noblemen's houses, to their great disturbance and loss. It was pretended, they would guard them and their tenants from the hazard of conventicles; but this was very hard upon persons who neither wanted nor desired such guests. In the following years they were altered and changed, as the persecutors found most answerable to their projects; and some parishes who were reckoned disaffected, that is, most inclinable to presbytery, had two of them; such as Lesmahago, in the houses of Blackwood and Corehouse. At length it appeared so illegal and unreasonable, that peaceable gentlemen and subjects, who ought to be protected by a government, should be quartered upon, like enemies, in time of peace, that it was challenged at court; and, after our bishops had defended it a while, they were forced to drop it. However, the country groaned under them in various shapes, less or more for many years.

But to go forward in my account of the council's procedure this year: upon the 6th of August, letters of intercommuning against many ministers were given out, which I shall consider when I come to the particular sufferings of ministers this year; and, the same day, a new commission, of the same tenor and powers almost with that granted last year, above narrated, is given for suppressing of conventicles and church irregularities, to the earls of Winton, Linlithgow, and Wigton, lord Belhaven, treasurer-depute, register advocate, lord Collington, laird of Niddry, major-general Monro, or any three of them. And at the same diet, the acts against conventicles are prorogated for three years and aye and till the king see cause to put a stop to them, and that by a proclamation, as was proposed in their last letter to Lauderdale.

At the same time, the council write to the earl of Murray, to execute the laws against keepers of conventicles in the shire of Elgin, and neighbouring places, and report. I have seen but very few accounts from that country, and therefore perhaps it may be not unacceptable to insert here a well attested narrative of a considerable reviving the small handful who adhered to the purity of the gospel in that corner, had about this time, which probably gave rise to this letter of the council. There were but a few presbyterian ministers remaining benorth Tay, and two or three who laboured in the work of the gospel, in the shires of Ross and Elgin, now and then. Mr John M'Gilligen, Mr Anderson, Mr Frazer, Mr Thomas Ross, were this summer very frequent, and much owned of the Lord in their work. I shall have occasion next year to give a larger account of Mr M'Gilligen, when he was seized; I only here give a hint at a communion he celebrated in September, which was wonderfully countenanced with the Divine presence, from some papers before me, of a very good hand.

Mr M'Gilligen was, with others of the presbyterian ministers of that country, intercommuned by the council in August; yet the accounts of this did not discourage him or them in their work. Many serious persons were longing much to partake of the sacrament of the supper; and having been at much pains in public preaching, and from

house to house, to prepare them for it, in September this year he administrated that holy ordinance at Obsdale, in the house of (the) lady dowager of Fowlis. There assisted him Mr Hugh Anderson minister of Cromarty, and Mr Alexander Frazer minister at Teviot, afterwards at Abbotshall. Mr Anderson preached the preparation sermon from 2 Chron. xxx. 18, 19. Mr M'Gilligen preached the action sermon from Song v. 1. last clause. Mr Frazer preached in the afternoon, from Ephes. v. 16. and Mr M'Gilligen preached the thanksgiving sermon from 1 Chron. xxix. 18. At this last sermon there was a plentiful effusion of the Spirit upon a great many present; and the eldest Christians there, declared they had not been witnesses to the like. In short, there were so sensible and glorious discoveries made of the Son of man, and such evident presence of the Master of assemblies, this day and the preceding, that the people seemed to be in a transport, and their souls filled with heaven, and breathing thither while their bodies were upon the earth; and some were almost at that, "whether in the body, or out of the body, I cannot tell." Even some drops fell on strangers: there was one poor man, who had formerly no profession of religion, but came to Obsdale perfectly out of curiosity, who was sensibly wrought upon. At his return one of his neighbours having got notice where he had been, said to him, "He was a great fool to lose his cow and his horse," which were all he had to sustain him, and assured him they would be taken from him. The other answered, "You are more to be pitied, who was not so happy as to be there; for my part, if the Lord would maintain in me what I hope I have won to, I would not only part with these, but my head likewise, if called to it."

At this communion, they were very providentially kept from disturbance. The design of this solemnity having taken air, the sheriff-depute, Sir Roderick Mackenzie of Finden, a moderate gentleman if left to himself, by the instigation of the bishop, sent a party to apprehend Mr John M'Gilligen; and expecting he would have dispensed the sacrament at Alness, the place of his residence, the party came thither upon the Lord's day, and missing him, they fell a pillaging his orchard, which kept them so long, that before they could reach Obsdale, the forenoon's work was over, and, upon notice given, the ministers retired. When the party came and missed Mr M'Gilligen, whom they had only orders to take, they went off; and so the ministers and people met again in the afternoon, and had no more disturbance. Thus the Lord had a work in that corner, and Satan raised up opposition to it. Mr M'Gilligen was forced to abscond, and we shall meet with him next year. 1675.

No more offers to me as to the managers' proceedings in general, but what will come in upon the particular accounts, unless it be, that in December, the council make a new remit, and grant a commission much of the nature of the former, unto the archbishops of St Andrews and Glasgow, the earls Seaforth and Dundonald, the president, advocate, treasurer-depute, and earl of Linlithgow, anent conventicles. What was done by the former, and this commission, if any thing was done, is not come to my hand: so I quit the general account, and come to end this section with some particulars of the sufferings of some ministers, gentlemen, and others this year. I begin with ministers. The sufferings of the indulged, whose circumstances were not very easy, I may hint at upon the next section. As to others of the outed ministers; upon the 9th of March, I find Mr John Greig before the council, for keeping a conventicle at Leith-mills. He confessed the charge, and was sent prisoner to the Bass. This island was now turned the common shore whither all in these circumstances were sent. Such who would not satisfy the bishops, were ordered to this barren rock, where not a few died, particularly that worthy minister Mr John Blackadder, and glorified God in the island, by his death: so at length few or none compeared, finding that the Bass was the least they could expect, unless they would comply with the bishops. After Mr Greig's lying in prison eight months, about November the council liberate him, and confine him to the parish of Carstairs in

1675. Lanarkshire. Mr John King was seized in the end of May, but was rescued, as we have heard. November 4th, I find that Mr Thomas Ross, a presbyterian minister in the shire of that name, is apprehended for conventicles, and imprisoned in Tain. I have no more about him, only he was brought to the Bass, and continued some time there, with others of his brethren.

But our managers, unsatisfied with this small game of picking up a minister here and there, give a general stroke to most part of the outed ministers, and when they cannot reach the persons of poor ministers and others, resolved to make their lives as bitter and uneasy to them as may be, and to expose them, and such who shall converse with them, to all hazards and difficulties that follow an intercommuning. Many of them, with some gentlemen, yea, ladies, had been last year declared fugitives, but now they go further, and upon the 6th of August, letters of intercommuning are given out by the council against more than a hundred persons, whereof sixteen or eighteen are ministers. The letters themselves I have insert below.* The ministers are, Messrs David Williamson, Alexander Moncrief, William Wisheart, Thomas Hogg in Ross, George Johnston, Robert Gillespie, John M'Gilligen, John Ross, Thomas Hogg in Stirlingshire, William Erskine, James Donaldson, Andrew Anderson, Andrew Morton, Donald Cargill, Robert Maxwell elder and younger, James Frazer of Brae, John King: and with these a good many gentlemen and ladies were joined; Sir John Kirkaldy elder of Grange, Durham of Largo, Hamilton of Kinkel, Arnot of Pitdrum, lady Balcanqual, lady Collerny, lady Pittendreich, lady Whitebanks, lady Pittalpie, and many others to be seen in the letters themselves. These letters of intercommuning were the utmost our managers could go upon non-compearance; and by our Scots law every person who harboured, entertained, or conversed with them, was to be habit and repute guilty of their crimes, and prosecuted accordingly. Perhaps it was every way without a parallel, that so many ladies and gentle women married, should be put in such circumstances; but this was to strike the greater terror on their husbands and other gentlewomen. The ministers here named

* *Letters of intercommuning, August*, 6, 1675.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, macers, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as upon the twenty-fifth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth days of July, one thousand six hundred and seventy-four years, the persons underwritten were at the market-crosses of Haddington, Lanark, Cupar, Perth, Dunfermline, Stirling, Glasgow, Linlithgow, and Edinburgh, successive and respective orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation raised, used, and execute at the instance of our trusty and well-beloved counsellor, Sir John Nisbet of Dirleton knight, our advocate for our interest, for their not compearing personally before the lords of our privy council, upon the sixteenth day of July the said year 1674, to have answered and underlien the law, for their keeping, and being present at house and field conventicles, at the places following, and convocating people thereto, viz. at Inveresk, Edmonston chapel, Woolmet, Corstorphin, Magdalen chapel, and other places, or one or other of them, or near to them; and for their contemptuous invading and intruding themselves in the pulpits and churches of Cramond, Forgan, Kirkmahoe, and others, in the months of April, May, and June, the said year 1674, contrary to the laws and acts of parliament made there-against, in manner and at length specified in the principal complaint raised against them thereanent, viz. Mr David Williamson, Mr Alexander Moncrief, Mr William Wishart, Mr Thomas Hogg in Ross, Mr George Johnston, Mr Robert Gillespie, Mr —— M'Killigen in Ross, Mr John Ross, Mr Thomas Hogg in Stirlingshire, Mr William Erskine in Teviotdale, Mr James Donaldson, Mr Andrew Anderson, Mr Andrew Morton, Mr Donald Cargill, Mr Robert Maxwells elder and younger, and James Frazer of Braes: and siklike, upon the fourth and sixth days of July, the said year 1674, the persons underwritten were at the market-crosses of Cupar, Falkland, and Perth, successive and respective orderly denounced our rebels, and put to our horn by virtue of letters of denunciation, raised, used, and execute at the instance of our said advocate, for our interest, against them, for their not compearing personally before the lords of our privy council, upon the twenty-fifth day of June, the said year 1674, to have answered and underlien the law, for their keeping and being present at house or field conventicles, at Pitscotty Muir, Ravensheugh, Kinkell, Balmeanoch, and other places, and convocating persons thereto, and for resetting and entertaining outed ministers in the parishes of Stramiglo, Abernethy, and Auchtermuchty, in the months of April, May, and June, the said year 1674, contrary to the laws and acts of parliament made thereagainst, in manner and at length specified in

are such who had been delated as most active in preaching the gospel, and the gentlemen and others were such as had supported them most. We heard, the soldiers have commission to pick them all up, where they can hear of them; and after Bothwell-bridge great numbers were added to this large roll; and converse with, 1675.

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the principal complaint, raised against them thereanent, viz. Sir John Kirkaldy of Grange elder, —— Hamilton of Kinkell, James Hamilton his brother, John Geddy in Falkland, John Arnots of Pitgrumzies elder and younger, Archibald Arnot in Newburgh, Mr Thomas Arnot in Collessy, Andrew Arnot merchant in Kirkaldy, Thomas Shaw elder of Gospitrie, David Shaw his son, Henry Shaw in Balgony, George Fleming in Balbuthie, William Shethrum in Lundimill, John Miller in Dinork, Andrew Kinnier merchant in St Andrews, John Thomson in Fawfield, —— Gowan in Crail, Robert Herbertson in Tarbet, and —— Douglas portioner of Colsey: as also upon the fifteenth and sixteenth days of July, the said year 1674, the persons underwritten, were at the market-crosses of Cupar and Forfar, successive and respective orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation, raised, used, and executed at the instance of our said advocate, for our interest, for their not compearing personally before the lords of our privy council, upon the ninth day of July, the said year 1674, to have answered and underlien the law, for their keeping and being present at house and field conventicles, at Dunfermline, Cleish, Orval, and others, and for their inviting and countenancing outed ministers in their invasion and intrusion upon the kirks and pulpits of Forgan, Balmerinoch, Collessy, Moonsey, and Auchtermuchty, and hearing them preach and pray therein, and for harbouring, resetting, and entertaining Mr John Welsh, a declared and proclaimed traitor, in their houses and elsewhere, and conducting and convoying him through several places in Fife, in an hostile manner, and threatening those who should apprehend, molest, and interrupt the said Mr John Welsh, and others in his company, in the months of April, May, and June, the said year 1674, contrary to the laws and acts of parliament made thereagainst, in manner and at length specified in the principal complaint, raised against them thereanent, viz. Thomas Blyth heritor in Kennoway parish, ——— Weems, lady Colville, John Adam bailie of Stramiglo, James Pryde in Nether Urquhart, David Coventry in Arlary, John Henderson there, Robert Stark in Mills of Forth, William Page in Cupar of Fife, John White there, Richard Clydesdale there, —— —— lady Balcanquell, colonel Robert Halket, John Smith in Dundee, John Balfour in Lethum, Alexander Walker in Friertoun, George Spence in Fordel, Patrick Melville in the Burnside, —— Wardlaw heritor in Kirktoun, —— Colville, lady Bailie in Dinnino parish, James Grieve in St Andrews, Andrew Kinnier there, James Lothian in Kingsbarns, Mr James Bonnar of Gregstoun, John Scot in Lathones, —— lady Collerny, and David and Alexander Campbells in Kirkaldy: and siklike upon the twenty-ninth day of July, the said year 1674, the persons underwritten, viz. William Livingstone of Greenyards, ——— Farquharson of Shielbrae, were at the market-cross of Stirling, orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation, raised, used, and execute at the instance of our said advocate, for our interest, for their not compearing personally before the lords of our privy council, upon the sixteenth day of July, the said year 1674, to have answered and underlien the law, for their keeping and being present at house and field conventicles, at Torwood, Cowie, Airth, Frosk, Carbrock, or in or about one or other of these places, where they heard Mr John Welsh, Mr Gabriel Semple, Mr Samuel Arnot, and some other outed ministers, or one or other of them; and for inviting and convocating divers persons to the said conventicles, and for supplying, harbouring, entertaining, or corresponding with the said outed ministers, and divers others our rebels, in the months of May and June, 1674, contrary to the laws and acts of parliament made thereagainst, in manner and at length mentioned in the principal complaint, raised against them thereanent: as also upon the twenty-second, twenty-seventh, and twenty-ninth days of August, and second day of November, the said year 1674, the persons underwritten were at the market-crosses of Edinburgh, Dumbarton, and Perth, orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation, raised, used, and executed at the instance of our said advocate, for our interest, for their not compearing personally before the lords commissioners of our privy council at Stirling, upon the eighteenth day of August, and ninth day of September, the said year 1674, to have answered and underlien the law, for their being present at house and field conventicles, and withdrawing themselves from the public ordinances in their own parish churches, for having had their children baptized at these disorderly meetings, or for having invited outed ministers to intrude and invade pulpits, and having convocate people to hear them therein, or having heard them themselves; at the least, for harbouring, resetting, supplying, or corresponding with Mr John Welsh, and other declared rebels and traitors, in April, May, June, and July, the said year 1674, contrary to the laws and acts of parliament made thereagainst, in manner and at length mentioned in the principal complaint, raised against them thereanent, viz. James Somerwel at the Boat of Cardross, Henry Dow of Westerpelder, Mr John King chaplain to the lord Cardross, John Doik portioner of Murdiston, the lady Pittendreich in Logie parish, Robert Fork portioner of Kilpatrick, James Muir portioner of Burdiston, and John Starks elder and younger of Balknock: as also upon the twenty-seventh, twenty-eighth, and twenty-ninth days of October, 1674, the persons underwritten were at the market-crosses of Cupar in Fife, St Andrews, and Dunfermline, orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation, raised, used, and executed at the instance of our said advocate, for our interest, against them, for their not compearing personally before the lords commissioners of our privy

1675. and reset of them, was one of the great pretexts of harassing the country, and debauching their consciences with oaths.

I come now to the hardships put upon my lord Cardross, that pious and excellent nobleman, and some gentlemen this year. To begin with the trouble that noble lord met with, we have heard, that towards the end of May, when my lord was at Edinburgh, a party of the guards, under Sir Mungo Murray, came to the house of Cardross, under cloud of night, and committed a most evident riot, and seized Mr Robert Langlands, after the revolution minister of Elgin of Murray, whom we shall afterwards meet with, at this time governor to my lord Cardross his brother, the honourable colonel Erskine of Carnock, yet alive, whose bright character his modesty will not allow me to enter upon. And they broke up chests, and broke in upon my lord's closet and papers. What their orders were, or from whom, is a secret; for they would produce none, but their pretext was to seize Mr John King, upon some information or other they had got of his preaching. As soon as my lord had notice of this, being at Edinburgh, he applied to the privy council by a petition, complaining of this illegal attempt

council at Cupar of Fife, upon the fifteeth day of September, the said year 1674, to have answered and underlien the law, for their being present at house and field conventicles, and their withdrawing from the public ordinances in their own parish churches, for having had children baptized at these disorderly meetings; at the least, for having invited outed ministers to intrude and invade pulpits, and having convocate people to hear them therein, or having heard them themselves; at the least, for harbouring, resetting, supplying, or corresponding with Mr John Welsh, and other declared rebels and traitors, in April, May, June, and July, the said year 1674, contrary to the laws and acts of parliament made thereaguinst, in manner and at length mentioned in the principal complaint, raised against them thereanent, viz. —— Symer of Brathness, William Crawford of Powmill, John Lundy of Baldstard, Mr James Lentron, and Helen Inglis his spouse, John Collier of Lochgelly, dame Anna Riddel, lady Colherny, —— —— ladies Unthanks elder and younger, John Fairfoul of Kinloch, and dame Margaret Farquhar, lady Halhill: and siklike upon the twenty-fourth day of September, the said year 1674, the persons underwritten, viz. —— Hamilton relict of Francis Galloway of Todshaugh, Simeon Alexander feuar and tenant in Kirkliston, and James Wilkie tenant in Cliftonhall, were orderly denounced our rebels, and put to our horn, by virtue of letters of denunciation, raised, used, and executed at the instance of our said advocate, for our interest, against them, for their not compearing personally before the lords commissioners of our privy council at Edinburgh, upon the 16th day of September, 1674, to have answered and underlien the law, for their being present at house and field conventicles, and withdrawing from the public ordinances in their own parish churches, and having had their children baptized in these disorderly meetings, and for their inviting outed ministers to preach thereat, and convocating people thereto, and for harbouring, resetting, supplying, and corresponding with certain outed ministers, declared rebels and traitors, in April, May, June, July, August, and September, the said year 1674, contrary to the laws and acts of parliament made thereagainst, in manner and at length mentioned in the principal complaint, raised against them thereanent, as the said respective letters of denunciation above-written, duly execute and registrate (conform to the act of parliament) produced in presence of our privy council, bears. At the process of which horn the forenamed persons lie and remain, taking no regard thereof, nor of our authority and laws; and are encouraged to continue in their rebellion, by the reset, supply, and intercommuning which they have with several of their friends and acquaintances, to the high contempt of us, our authority and laws. Our will is herefore, and we charge you straitly and command, that incontinent, thir our letters seen, ye pass to the market-crosses of Edinburgh, Haddington, Lanark, Cupar, Perth, Dunfermline, Stirling, Glasgow, Linlithgow, and other places needful, and thereat, in our name and authority, command and charge all and sundry our lieges and subjects, that they, nor none of them presume nor take upon hand to reset, supply, or intercommune with any of the foresaid persons our rebels, for the causes foresaid, nor furnish them with meat, drink, house, harbour, victual, nor no other thing useful or comfortable to them, nor have intelligence with them by word, writ, or message, or any other manner of way, under the pain to be reputed and esteemed art and part with them, in the crimes foresaid, and pursued therefore with all rigour, to the terror of others; requiring hereby all sheriffs, stewarts, bailies of regalities and bailiaries, and their deputes, and magistrates of burghs, to apprehend and commit to prison any of the persons above-written, our rebels, whom they shall find within their respective jurisdictions, according to justice, as you will answer to us thereupon. The which to do, we commit to you, conjunctly and severally, our full power by these our letters, delivering them by you duly execute, and indorsed again to the bearer.—Given under our signet at Edinburgh, the sixth day of August, one thousand six hundred seventy and five years, and of our reign the twenty-seventh year.

Per actum dominorum secreti concilii.

AL. GIBSON, Cl. secr. concilii.

upon his house. The petition, which in all points my lord was ready to make good, gives the best account of this matter, and withal shows the injustice of these times, when, instead of redress, my lord had a libel formed against him, and a most unjust decreet past. The petition follows.

" *To the honourable the lords of his majesty's most honourable privy council, the humble petition of Henry lord Cardross, sheweth,*

" That I your petitioner being in Edinburgh, and having left my wife at home all alone, Sir Mungo Murray, accompanied with Walter Stuart, Henry Graham, George Murray, James Spotiswood, Andrew Hume, and others, did, in a most riotous and tumultuary manner, come into my house of Cardross under silence of night, and there commanded the gates to be opened to them, threatening to break up the gates, and to burn the house; and though their names were soberly desired to be known, which was very necessary in that part of the country, which in effect is in the Highlands, and at midnight, your petitioner and his servants being from home, and there being only a lady with child in the house, yet they would give no other answer but that they were Scotsmen, which answer was so far from obliging any to obedience, that it justly occasioned jealousy.

" " Notwithstanding of which, the gates lying at last opened to them, they did, in a most tumultuary manner, enter the same, and abuse the whole house, affrighting your petitioner's wife, who was with child, and extending their incivility to such a barbarous height, that they forced her to rise from her bed, that they might search her chamber; and albeit they knew, as shall be proven, that the little room off the dining-room was your petitioner's own closet, and that your petitioner himself was at Edinburgh, and my wife assured them, upon her word of honour, that there was nothing there but papers, lying so open, and in such a confusion, that she could suffer none to enter, especially at such a time of the night, and in such a number; yet they threatened to break open the door, and so did enter where your petitioner's papers of greatest importance were exposed to the greatest danger. 1675.

" Likeas, they having seized upon the persons of Mr John King my own chaplain, and Mr Robert Langlands governor to my brothers, who were his majesty's free lieges, neither acted nor denounced for any fact or crime, and who were not hiding themselves, but peaceably lying in their beds, they carried them most insolently from your petitioner's house, who was answerable for them, and absolutely refused to show any order: and though your petitioner's wife did most earnestly desire that they would not carry away her servants till she should come down stairs and speak with them, yet they did refuse her that small favour, which was possibly very necessary for her service, upon some domestic considerations.

" This being the true state of the case, it is humbly referred to your lordships' consideration, what a sad condition his majesty's subjects are in, when they are prostitute to such illegal and unwarrantable acts, never formerly practised in Scotland, nor so much as known to our happy neighbours; so that we find the effects of war under a profound peace, and must pay such as oppress us.

" But that your lordships may the better reflect upon this unwarrantable act, you will be pleased to consider, 1st, That none of his majesty's guards, nor none else can apprehend the persons of free men, except in the case of treason; and the most they can do, is to secure them under caution: for execution can in no law precede sentence, and imprisonment is the severest of executions, because it ruins a man's affairs, and deprives him of liberty, which is the best and noblest part of property. 2do, Though they might apprehend, as they cannot, any single man's person, yet to be sure they cannot threaten to break up doors, nor invade houses under silence of night; for even letters of caption cannot warrant to do that, unless it be first proven to a judge that entry in his majesty's name was refused. 3tio, Whatever might be said for the apprehending, of fugitives, for whom none is answerable, and where there may be hazard in the delay, yet as to servants, for whom your petitioner was answerable, conform to

1675. the late act of council, it is certainly without all warrant to apprehend any such; and it were strange that heritors must both give bonds, and must yet be liable to have their houses made open at such unseasonable times. 4to, Your petitioner craves leave to plead so far a privilege common to him with your lordships, as to allege, that the houses of noblemen, who have the honour to be born his majesty's counsellors, and who are privileged by our old laws, cannot be summarily searched, nor have their servants taken from them; and if your lordships will consider the consequences that will arise from this practice, to yourselves and successors, and other peers, you will certainly find, that as this has never been practised in Scotland, so it were dangerous and dishonourable that any soldiers or others should have it in their power to force an entry into your houses, to force your ladies from their bed, to search into your closets where your papers of importance lie open, in your absence; so that, in the midst of your greatest solemnities, or when you desire most to be private, you shall never be able to be master of your own houses, or quiet, but that insolent soldiers shall be allowed to disturb your solemnities, and pry into your secrets at their pleasure. 5to, Though this were allowable, as it is not, yet they should have showed their names and orders before they entered, else robbers may enter upon such pretexts, and the subjects will be brought to that fatal necessity, as either to allow an entry to every vagabond, or fall under the compass of disobeying his majesty: but to seize upon any person without showing special order, was that which wanted all warrant and example, and shall, as I hope, want all countenance and allowance. 6to, Though a warrant had been enough, as it was not, yet there could not be a warrant to seize Mr Robert Langlands; and so conscious were they of their own guilt in this particular, that they dismissed him, but not till they had carried him ten miles, and kept him a day and a night prisoner; and sure he was either unlawfully taken, or, if lawfully taken, unlawfully dismissed: and if this be lawful, then it must be lawful by the same rule to take any of the lieges, when most concerned about things most important, as going to be married, when going to redeem a wadset, or transact an affair of the greatest moment: so that any body may be affronted and ruined in an arbitrary way by private soldiers.

"May it therefore please your lordships to consider a riot aggreged by so many illegal circumstances, a riot which can have no pretext, and which showeth openly so much malice, that it needs neither be enforced upon your lordships, nor can it be answered by the actors: and that your lordships will let people see, in the severity of your punishment, that you will protect the people not only by his majesty's guards, but by his laws; and that those guards are public servants, and not absolute masters; and that as you would punish those that oppose them, so you will punish them when they oppress others."

From this treatment of a nobleman's house and family, we may easily guess what arbitrary methods the officers and soldiers took with the common country people and houses; and indeed their illegal and ensnaring steps with them, were so many and odd, that I cannot insist upon them. Some instances here and there may come in afterwards. Notwithstanding of the force of matter of fact and reasoning in this petition, so great was the iniquity of these times, that this matter was turned to a handle for prosecuting this noble lord. Some country people who had profited by Mr John King's conversation and sermons, hearing he was seized, did gather together, and forcibly took Mr King from the soldiers. The circumstances of this rescue are not come to my hands, but the consequents of it were very heavy upon the noble family of Cardross.

When the soldiers came in, and represented the attempt made upon them, and no doubt magnified it, the council perfectly neglected the consideration of the above petition, and apply themselves to avenge the affront the soldiers got, upon my lord and his tenants. And a committee is named, as

hath been noticed, and the best way they can find, is to a draw a counter libel against that noble lord, and upon the severe laws now in being, and the testimony of the soldiers, they could not want pretexts, and lodge all this matter upon my lord, though at the time of the riot and attempt upon the soldiers he was in Edinburgh. And upon the 5th of August, this matter comes to a hearing before the council, and they pass a decreet against Henry lord Cardross in common form. In short it bears, "That whereas Mr John King, an irregular preacher, upon the —— of May last, having been apprehended by a party of soldiers, was in the daytime rescued from them; they find Henry lord Cardross art and part in that attempt upon his majesty's forces, because some of his servants were there. They likewise find the lady Cardross to have been present at many conventicles, and that my lord had kept Mr John King, a rebel, in his house, and therefore they order the lord Cardross to enter the castle of Edinburgh, and there to be confined during his majesty's pleasure, and fine him in a thousand pounds sterling, and over and above fine him in one thousand three hundred and fifty pounds Scots, being the total of the sums, at two hundred and fifty pounds Scots per piece, his tenants were found liable to, they being absent, and libelled for being at conventicles; and that in respect my lord did not cause his said tenants give bond not to keep conventicles in terms of the last act of council thereanent, referring him for relief to his said tenants."—Thus they are pleased to overlook the vile riot committed upon the house of a nobleman, and to stretch their own harsh laws to the uttermost. I cannot find that Mr John King was a rebel in terms of law. We have heard he had been before the council, and liberated, and my lord owns he entertained him as his chaplain, and pleads he was the king's free liege, and he would answer for him: but no innocence could stand before the hardships of this period, and this excellent person continued for some years in prison, till he paid vast sums of money, as we may afterwards hear, and at length was forced sometime after to leave his native land, and go to Carolina, whence he came to Holland, where he continued till he made a happy return with the prince of Orange, at the late glorious revolution. After the writing of what is above, I have, by the favour of the right honourable the earl of Buchan, the state of his excellent father's process, drawn up by himself and his lawyers at this time, which I have added in a note,* as con- 1675.

* *State of my lord Cardross' process*, 1675.

There being a pursuit at the lord advocate's instance, against the lord Cardross and his lady, before his majesty's privy council, wherein he was convened for keeping of conventicles in his house, he being present at them in the months of May, June, and July, one thousand six hundred threescore fourteen years, and since, and that he was accessory to the deforcing of the party that apprehended Mr John King, by sending out his servants, and raising of his tenants to go and rescue him; and that my lord did harbour Mr John King, since his denunciation, in his house for several months, and did dissuade orthodox ministers to officiate under the bishops, and persuaded them to leave their charges. The lord Cardross having compeared, made his defences against the libel, that in so far as concerned his lady, by no law could he be obliged to a violent restraining of her, since that might tend to the impairing of conjugal affection betwixt husband and wife; neither by any law, divine or human, is the husband punishable for the misdemeanour of the wife, either in his person or goods; for it is contrary to the nature of penal laws, to tend otherwise than against the transgressors; and whatever in the late acts of parliament against conventicles might strike against the husband, being himself free, upon account of his wife, children, or servants' guilt, can never be looked upon but as a law of terror to be a stop and hinderance, that those of a family should not differ from the order of the master And as to his tenants, it was answered, that most of them having leases, and not every term removing, they might well be, and were answerable and law-biding for themselves; nor can the not imposing of a bond appointed only by the council to be taken by the tenants, enforce against my lord, any greater guilt than against the whole kingdom, since by an inevitable choice of forbearing that, or casting their lands absolutely waste, all were forced to abstain from pressing of it. As to the deforcement it was answered, that the running out of his servants and tenants to gaze at a tumult, which is not to be prevented by any care, though the thing were expected, as it was here in this case by none, cannot infer any accession, though the deforcement were granted: but in this case, where the party of soldiers which apprehended Mr John King, were not distinguishable from robbers or murderers, being strangers in that place of the country, without their livery-coats, whereby they *ought* to be distinguished, without their muskets or pikes, the badges of soldiers, having only hunting staves and dogs, and so assaulting a person without production of any order, and that among a rabble of rude commons, who needed all the former requisites, especially in

taining a full and just account of
1675. this affair.

Two other worthy gentlemen were attacked this year, though upon reasons differing from the lord Cardross's case, and at this time they were properly sufferers for liberty. I begin with Mr Stewart, son to Sir James Stewart formerly mentioned

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that part of the country, to have made them known to them; it cannot therefore be sustained a deforcement, and infer the high punishment thereof, more than the stopping of an alleged messenger, neither carrying badge, nor producing letters, will infer that guilt. Which defences and all others that were proponed, were repelled, and the libel admitted to probation by witnesses, except as to that part of it anent the dissuading of the ministers to officiate under bishops, and persuading them to leave their charges, which was referred to my lord's oath.

The managing of this probation being referred to the earl of Murray, the Lord Ross and Halton, with some others, to take trial and examine the witnesses anent the libel which was performed after this manner.

First. The pursuer's interrogatories to the witnesses, which ought only to have been what was contained in the libel, was refused to be given up to my lord Cardross, as is the custom to be considered; so that those lords might examine the witnesses upon the haill interrogatories given up by the pursuer, though they had been both irrelevant, extrinsic, and impertinent to the libel.

Secondly. There being above an hundred and forty witnesses summoned, and above a hundred of them compearing before the council, yet the committee did not proceed according to the roll of those that were present, but on the contrary, did call fourscore of the witnesses who were not present, and durst not compear, and first interrogate them, called James Jack and his son John, tenants to the earl of Murray; against which my lord Cardross complained by a bill to the council, and declared that the same was illegal, to examine witnesses that were not received in presence of the council, and against whom he had competent objections which ought to cast any witnesses, and reprobate their testimony in law; such as that the person was infamous many years, at the king's horn, not worth the king's unlaw, as a diver and bankrupt person, and had a *cessio bonorum*; and for proving hereof did produce the decreet bearing the same, which objections were never formerly repelled in any judicatory in Scotland; yet notwithstanding thereof, the council receives him on the earl of Murray's suggesting that he had a bond of his in his custody, whereupon my lord Cardross, by a new bill, complained, showing, that either that bond was granted before his *cessio bonorum*, in which case it behoved to be disponed to his creditors, or else he is perjured, in respect he swears that he has no more goods, nor what he disponed to them; or else it was after his *cessio bonorum*, and in that case it belonged to his creditors, in regard he had sworn that he should dispone, whatever he should acquire, to them, and in either of these cases he could not be a witness, being a perjured bankrupt person, and not worth the king's unlaw; notwithstanding of all which he was received, some alleging it was the casting of the process to reject him.

Thirdly. It was objected against his son, that he being not major, but a boy, and in his father's house and service, who being a diver, could not provide his son of any thing, neither as father or master, so that he could not be worth the king's unlaw, and therefore by the act of parliament he could not be received. This was likewise repelled, and the boy admitted.

Fourthly. It was objected against the soldiers, that they could not be accepted as witnesses because they were informers, or rather parties, being actors themselves, and their persons prejudged; and by the law no informers can be witnesses, because they have betrayed their testimony thereby. It was offered also to be proven by witnesses beyond all exception, that their corporal did suborn them to depone such and such things, saying, they would be ashamed and affronted if they did not swear what he and they had formerly said at random, and that they answered they would depone in matter and manner as he should desire; notwithstanding of which two most relevant objections they were likewise received.

By their witnesses, against whom these most relevant objections are, there is proven that the lady Cardross was present at the house of Cardross, when the then chaplain prayed and expounded scripture, and that my lord Cardross was then at home, but not present thereat; but it is not proven that there were more persons at that meeting as makes a conventicle. *Secondly.* It is alleged proven, that she was at a meeting in a tenant's house of her own, and because there were two or three persons standing at the door, therefore it is designed a field-conventicle, although it was not proven that these in the house exceeded the number allowed by the act of parliament; so that it could hardly be called an house-conventicle, much less a field one: and though Mr John King was apprehended at the boat-house of Cardross, where he had not stayed a quarter of an hour, but only accidently went in, in his passing that way, which was occasioned by its being a common passage over the Forth; and though it cannot infer my lord Cardross his resetting him upon his ground, especially seeing my lord punished the possessor of the house by ejecting him immediately from his tenement. And though it cannot be proven that my lord Cardross' servants were at the rescuing of Mr John King, yet because his nurse and two women went to the gate to gaze at his apprehending, for which my lord caused his lady turn them out of her service; and though the rescue was three miles from the house of Cardross, yet from these, my lord's resetting of him, and accession to the rescue, is concluded, though it was offered to be proven that my lord himself and his men servants were all at home, and did not go at all from the house; and my lord declared to some gentlemen that were then with him, that he thought the party being so near his house would call for his assistance, as is the custom in the like cases; which, if they had done, he would have caused the laird of Leny, who was at Cardross house at the time with some of his servants and tenants, to have convoyed the

whom we shall afterwards meet with. He was at this time noticed for his extraordinary abilities in law, though there was no access for one of his piety and principles to act publicly; but after the revolution he was an honour to his country, and to the gown in the office of king's advocate, for many years. This gentleman was jealoused by the managers for writing, at least having a share in publishing, the known paper, entitled, "An account of Scotland's grievances, by reason of the duke of Lauderdale's ministry, humbly tendered to his sacred majesty." This account galled the party, and fretted them exceedingly, and yet I do not find that they were able, or ever essayed to answer the matters of fact alleged there against them. Upon this score, and because he was a known presbyterian, and very useful to these people, letters came down from the court, of the date February 27th this year, ordering "James Stewart, *son to Sir James* Stewart, late provost of Edinburgh, 1675. to be apprehended, wherever he was, with all his books and papers whatsomever, and made close prisoner in Edinburgh, and no communication to be allowed him with any living by word or writ." These were the illegal and arbitrary orders given at this time about the best of men, without any reason, save the will and pleasure of angry courtiers; so that nobody could be safe, had not kind providence interposed, as in this case: Mr Stewart had some notice given him, and escaped most narrowly. However, when he got a little out of the way, upon the 10th of March, all his cabinets were sealed by order of council, and the magistrates of Edinburgh appointed to search for him through the town, and to seize all papers or trunks belonging to him, wherever they could be found; and because they appre-

prisoner to Stirling; and when this was deponed by some gentlemen who were present that day with my lord, it was alleged by the committee, that they were my lord's friends, and that part of their depositions were not written; and yet from my lord's two women going out to gaze, who were upon that account put out of his service, it is concluded that my lord was accessory to the rescue. As for the persuading these two ministers to leave their charges, my lord produced two letters under the ministers' hand, prior in date to the time they alleged he was dissuading them from episcopacy, direct to other persons, by which it is evident they were either really or feignedly resolved to give over serving under bishops; so that it is apparent that it was not my lord's persuasion, but their own inclination, and referred to their oath if ever he persuaded them to any such thing. The council would not take notice of the letters, neither would they allow the ministers to depone, though my lord Cardross referred it to their oath, as is ordinary in the like cases, but ordained my lord to give his oath, which my lord refusing to do, being now out of memory, after so long a time, to depone upon an accidental discourse that might have occasionally fallen in: the council held him as confessing the same, which, though it had been true, it not being contrary to any statute law, it was supposed to be no ground of imprisoning and fining.

By all the depositions, there is not only nothing proven against my lord, that he ever was present at any conventicles himself, or that he was in the least accessory to the resetting or rescuing of Mr King, or that he was ever harboured in his house to his knowledge, only that diver and the boy his son James, and John Jacks depone, that in winter last, when my lord dwelt at Kirkhill-house with his whole family, which is about thirty miles from Cardross-house, Mr King went and stayed with the man that had the keys and keeping of Cardross-house, who was only in the office-houses; but none depones nor can say my lord or his lady knew or had any accession to his being there, but on the contrary, they deponed, though it was not insert in the depositions, that when my lord was removing his family in the beginning of the last summer from Kirkhill to Cardross, Mr King fled from those fields, which is a clear evident he had no permission, much less an order from my lord for his staying there, otherwise he had not quit that part of the country at the report of his coming; but also little or nothing material is proven against his lady, as may appear by what has been said, and yet on the same bare probations, against which my lord has so much to say in law, the council has fined him in eleven hundred twelve pounds ten shillings sterling, to be paid to the cash-keeper for his majesty's use, and that besides imprisoning his person in the castle of Edinburgh during his majesty's pleasure. The grounds of which sentence are here set down. The council has likewise appointed a garrison at the house of Cardross, where my lord and his family were residing, which was formerly spoiled by a ten years' garrison under the usurper, and was newly repaired at a charge, and that in such a form as is most unfit for strength, or for lodging soldiers, without defacing and altogether marring the reparation; and if there be a necessity for a garrison in that part of the country, the king has the castle of Doon within four or five miles of Cardross, which is his own, and is in all respects fitter for a garrison than any place else in these fields, neither can it be prejudged by the soldiers; also none of a long time have resided in it, though it be in good enough repair for a garrison. All which was represented by the council; notwithstanding whereof they would not alter their commands, but order the soldiers to march immediately to the house of Cardross.

1675. heuded he might be hiding about his brother's house at Coltness, or his brother-in-law's, Sir John Maxwel of Nether-Pollock, orders are given to the lord Ross and his troop, to search for him and his papers.—I find by a missive letter, dated March 11th, that a most strict search was made at Edinburgh for apprehending Mr Stewart, for his alleged penning of the Grievances; and that Mr William Carstairs was apprehended at London, upon the same reason, and was to be sent down to Scotland to be tried.—Upon the 11th of March, the council order the sealed cabinets to be opened by the archbishop of Glasgow and treasurer-depute, and any papers belonging to Mr Stewart to be taken out. What they found I know not, but, for any thing I can learn, they made no discoveries. Mr Stewart was forced to abscond and retire for some time, and improved his time, during his hiding, in religion and close study, so as, through the blessing of God, he was prepared thereby to make that bright and extraordinary figure he afterward made in the world. His troubles continued for some years, and then he ventured to appear again, though still in a private way.

The other gentleman attacked this year was Sir Patrick Hume of Polwart, now the aged earl of Marchmont, who since the revolution hath been honoured to serve his country in the highest stations, and managed them with that firmness to the revolution-interest, and regard to religion, that his gray hairs in the way of righteousness cannot but be a crown to him. The committee appointed to bring in their opinion anent Mr John King's affair, proposed the garrisoning the country; and it was thought they had a particular eye to the house of Cardross in so doing. Sir Patrick Hume, who had made a bold step against encroachments upon the liberty of parliaments, as we have heard, could not away with the setting up of garrisons in a peaceable and loyal country, as being a sensible encroachment upon the liberties of the subject; and so refused the contributions for support of the garrisons in the shire he was concerned in: for which a sentence was passed against him, and he gave in a bill of suspension to the lord Collington, and took instruments, upon his refusal, that he had offered it. Sir Robert Sinclair, and some other gentlemen in the shire of Berwick, joined him in this matter; I think, at first the most part, but afterwards several fell from it. The council, and particularly the bishops, could not bear any thing that looked like a crossing of so darling a project as the oppressive garrisons: so, upon the 2d of September, they take this matter under their consideration, and come to this resolution. "The lords of his majesty's privy council, considering a petition given in to them by Sir Patrick Hume of Polwart, and subscribed by him, as likewise the bill of suspension presented by him to the lord Collington, which is of an insolent nature; as also, that after the lord Collington had refused the same, he took instruments on his offer thereof, and that he had likewise taken instruments at the houses of some other of the counsellors at Edinburgh; the council commit him to prison, till the king's pleasure be known." Meanwhile accounts come into the council from all corners, of the general dissatisfaction with the appointment of garrisons, and that few or none of the commissioners of the excise could be prevailed with to meet, as had been ordered: thereupon new orders are sent to the commissioners, to meet in each shire where they were established, and provide for the maintenance of the garrisons.

September 3d, the council write to the king, "complaining of the laird of Polwart's giving in a bill of suspension to the lord Collington, upon a charge given by the council to the commissioners of excise in the shire of Berwick, concerning the provision of the garrisons of that shire; and when the said lord justly refused it, that he took instruments of his offering it." The same day the lairds of Langtoun, Cockburn, and some other commissioners of the excise, gave in a petition to the council, "signifying their dissent from the commission given to Polwart and Sir Robert Sinclair, to present the foresaid bill of suspension, and withal gave in warrants for themselves to provide the garrison in necessaries for their parts." An answer to the council's letter, of the date of September 30th, comes to

their hand, October 5th, wherein his majesty "approves of their imprisoning of Polwart, as being a factious person, and having done what may usher in confusion; and requires them to declare him incapable of all public trust, and send him close prisoner to Stirling castle until further orders." This worthy gentleman continued under no small trouble for some considerable time, some branches whereof may afterwards occur.

It was little wonder that any who had the least sense of liberty remaining with them in the shire of Berwick, set up against those arbitrary courses. I have in mine eye just now a paper giving the total sum of the fines uplifted for nonconformity this year, in the sheriffdom of Berwick, by the earl of Hume; and the amount is no less than twenty-six thousand six hundred sixty-six pounds, thirteen shillings, and four pennies Scots; and in the parish of Gordon three thousand three hundred twenty-eight pounds, and four shillings Scots. We may easily from this guess what vast sums were about this time uplifted by way of fines for conventicles and nonconformity. And to end this section, besides the exorbitant sums exacted by the under-persecutors, the council now and then were fining presbyterians, when they came among their hands, pretty severely. Upon the 6th of August, I find one John Sandilands before them, for being at a conventicle near Bathgate, in the beginning of the year, and fined in three hundred merks; and upon his actual payment of that, and his giving bond and caution for two thousand merks, if ever he was again at conventicles, he is liberated. Thus we have some view of the persecution this year, which was one of the softest in this period. I go on to some other things noticeable in it.

SECT. II.

Of some other particulars, which give some further view of the state of this church this year, 1675.

THE greater liberty I know will be allowed in this history, that we have so lame accounts, I had almost said none, of the state of things at this time; and therefore when materials offer now and then, I adventure to touch at matters that are not so immediately branches of our sufferings. In the entry of this year the debates were continued, and not a few papers handed about anent the business of the advocates, hinted at before, and the elections of burghs, which being merely civil, I say no more of them. It is more agreeable to my province to take a view of the state of the indulged presbyterian ministers this year, and hint at the opposition made to the duke of Lauderdale in England, and, what I promised upon the former chapter, the differences among the bishops and clergy, which terminate this year, with some few other things that fell out. 1675.

Ministers who had embraced the indulgence, were not altogether easy; their greatest discouragements from obloquy and reproach, by some who professed the same ends with them, were not yet come to any great bearing, though a divisive temper among presbyterians was beginning to work, by the cunning of enemies and weakness of friends: but they wanted not their discouragements as to outwards; though they served the cure, and preached at the churches, yet the collectors and others paid them almost no stipend. Therefore I find many of them petitioning the council, in the month of January, for warrants, and getting them. That the curious reader may see the form, I shall set down one act with respect to Mr William Violet, the autograph whereof is before me.

"At Edinburgh, the 26th day of January, 1675, anent the petition presented by Mr William Violet, minister at Cambusnethan, shewing, that the petitioner having been by the council's favour indulged to serve in the said parish, he accordingly hath exercised his ministerial function therein these divers years bypast; and whereas the petitioner is under the burden of a numerous family, and that he hath not received any part of the stipend of the said parish, for the years 1672, 1673, and 1674, bypast, humbly therefore supplicating, that warrant might be granted to the effect underwritten: the lords

1675. of his majesty's privy council, having heard and considered the foresaid petition, do allow the petitioner the stipend of the said parish of Cambusnethan, for the said years 1672, 1673, and 1674 bypast, and grant warrant to the petitioner to uplift the same from the heritors and others liable in payment thereof, and discharge any other person, on the account of the vacancy, to trouble the petitioner or the heritors for the same, and ordain letters of horning to be directed hereupon in form as effeirs. Extract by me "THOMAS HAY."

In those terms a good many of them got their warrants; but at length, upon some pretext or other, the prelates prevailed in March, that the council made the following order. "March 9th, Ordered that no indulged ministers get warrants for their stipends, without testificates from the sheriff or magistrates in the bounds, that they have not kept conventicles since March 24th, 1674." But this restriction did not affect many of them.

But in the month of July, a sorer storm broke upon them: complaints were given to the council, we may easily guess by whom, against most of the indulged ministers, that they broke their instructions, and did several other things contrary to law; and the advocate is ordered to send out summons, that they might compear before the council in July. A principal copy of the letters and citation given to Mr James Veitch, minister at Mauchline, being in my hands, I shall insert a copy of it here.

Letters, king's advocate, for summoning Mr James Veitch, &c.

"Charles, &c., to our lovits, messengers, &c. Whereas it is humbly meant and shown to us, by our well-beloved counsellor, Sir John Nisbet of Dirletoun, our advocate for our interest, in this matter underwritten, that where, by the 9th act of the 3d session of our 2d parliament, it is statute and ordained, that no person or persons whatsomever presume to appoint or ordain any person to the office and work of the ministry, except these who have authority, approven by the laws of this kingdom for that effect; and by the said act, both the persons pretended ordainers, and these who shall pretend to have received ordination, are appointed to be seized upon by the sheriff, or other ordinary magistrate of the place, and to be committed to prison until they be delated unto the lords of our privy council, who are by the said act authorized and ordained, after trial, and finding the said persons guilty, to sentence them, by confiscation of all their moveable goods, and banishing them, and causing them to find caution not to return to our dominions. And whereas by the common law and practice of this kingdom, if any person or persons presume to usurp and assume any authority civil or ecclesiastic, belonging to us, or those to whom it is intrusted by us, ought to be severely punished; and that albeit the indicting or appointing of a fast to be kept by any of our subjects, doth belong only to us, or to those who have power and authority from us to that purpose: and whereas, by an act of our privy council, dated September 3d, 1672, confining several outed ministers to the parishes therein specified, they are indulged the liberty to preach within their respective parishes, they observing the particular instructions following, to wit," &c. (I do not insert them, being above set down.)

"Notwithstanding, it is of verity, that Mr James Veitch, who is confined unto the parish of Mauchlin, Mr John Gemble confined unto the parish of Symington, and Mr Hugh Campbell confined to the parish of Muirkirk, with indulgence to preach at their own kirks upon the observance of the said instructions, they and every one of them have contravened the tenor thereof, in so far as upon the first, second, third, or remanent days of the month of January, or some or other of the months of years 1674, or 1675, have taken upon them to baptize persons or marry people in other parishes, and have not celebrated the communion in one and the same day, but at divers and distinct times, and admitted persons of other parishes thereto, without testificates from the ministers thereof, and have preached in churchyards and other places without the kirk, and have not remained within the parishes foresaid, to which they were confined, but have departed forth thereof to other partis and

places at their own pleasure, without warrant or license of the bishop of the diocese: they have also taken upon them to meet together and appoint and ordain several persons to the office and rank of the ministry, without any authority from us: as also the said persons have highly usurped our authority, in so far as they and several others, being, upon one or other of the days of the said months, convened at the town of Ayr and several other places, they did presume to appoint a day or days of fasts; whereby the forenamed persons have directly contravened the tenor of the said act of parliament and instructions above written, and thereby have incurred the pains therein contained, and are guilty of usurping our authority, in indicting and keeping of fasts in manner foresaid: for which they ought to be examplarily punished in their persons and goods, to the terror of others to do the like in time coming. Our will is, that ye command and charge the said Mr James Veitch, Mr John Gemble, and Mr Hugh Campbell, personally, if they can be apprehended; and failing thereof, at their dwelling-houses, and by open proclamation at the market-cross of the head burgh of the shire where they dwell; and that ye deliver to them personally, or leave at the places foresaid, full copies of these our letters, to compear personally before the lords of our privy conucil, at Edinburgh, or where it shall happen them to be for the time, the 29th day of July instant, to answer to the premises, and to hear and see such orders taken thereanent, as appertains, under the pain of rebellion, and putting them to our horn; with certification to them if they failie, our other letters shall be direct to put them to our horn, according to justice, &c. Given under our signet at Edinburgh, the 15th day of July, and of our reign the 27th year, 1675. *Per actum dominorum secreti concilii.*

"I Robert Leich, messenger, by virtue of the above written letters, in our sovereign lord's name and authority, command and charge you Mr James Veitch, to compear before the lords of his majesty's privy council, day and place above written, to the effect, for the causes, with certification above exprest. "ROBERT LEICH, Messenger."

Those three above named were cited, and several others; but, from the registers, I cannot find they compeared: if I mistake it not, the matter was made up by my lord Stair, and some other of their well-wishers, nothing being to be laid to their charge, that could easily be proven, but their appointing a fast in their respective congregations, when the Lord was visibly contending as to the fruits of the ground: and it would have been hard to have prosecuted them on this head, when the council themselves appointed a fast; and the matter of ordination was so cautiously managed, that it was difficult to get it proven. Thus this storm blew over, and they had some quiet from the government for some years: yea, by the interest of some persons concerned, upon the death of the minister indulged to Carmichael, the council were prevailed with to send another thereto, being, as they say, a parish allowed to have an indulged minister, as hath been noticed upon this chapter already. 1675.

However, towards the end of this year, and the next, there was a very small matter like to prove uneasy to them, and that was the payment of the bursar and clerk of the diocesan synod, their quotas for the parishes where they preached. Upon the 3d of September, the whole of the indulged got a charge of horning, to pay the dues ordinary, to Lodovick Fairfoul, clerk to the synod, and Mr David Clunie, bursar. Some hastily went into the payment of them, and others stood out, and applied for a suspension; in which they found no small difficulty, because the payment of these was one of the things imposed upon them by the act of council, for their indulgence. These who refused to pay were of different sentiments, some of them reckoning it was lawful to pay these undue impositions, when forced and distressed in law, being a part of that passive obedience they reckoned lawful, and what had been generally gone into, as to the stipends of curates, by gentlemen of their persuasion. others of them reckoned it simply unlawful in any case. This matter came not to an issue till some time after this, and I shall have occasion to give an account of it in the following years.

1675. The duke of Lauderdale was now the great wheel by which all our little wheels moved, and no small pains were taken in England to make the king part with him. The attempts this way I shall much leave to the civil historians. I find it noticed, that the duke was the first adviser to bring in the test bill, by some called the bishops' bill, containing an oath to be imposed upon all, that they should endeavour no alteration of the government in the church. This was a counter part of our Scots declaration, and proceeded from a cry formed with a peculiar design and frequently made use of since, that the church was in danger. Lauderdale proposed this to ingratiate himself with the high fliers, then called the church party. But this bill was found contrary to the liberties of parliament, and many fine speeches were made in the house of peers against this imposition; and the earl of Halifax had a speech much noticed upon this subject. His lordship observed, "that as there was really no security to any state by oaths, so also no private person, much less statesman, would order his affairs as relying upon them: no man would ever sleep with open doors or unlocked treasure, should all the town be sworn not to rob; so that the use of multiplying oaths, had been most commonly to exclude or disturb some honest conscientious men who would never have prejudiced the government." The party who opposed the duke, got Dr Gilbert Burnet, so well known to the world, called before the bar of the commons, to declare what he knew anent the duke of Lauderdale's administration and practices; and I have added a copy of his examination.* From this examination the commons could not form what some among them projected.† However, in May or June, they drew up and presented an address to the king, that the duke might be removed from all his employments, and from his majesty's presence and council for ever, as being a person obnoxious and dan-

* *Burnet's examination and declaration.*

The doctor attending according to the order of the house, was called in, and having answered to the several questions proposed to him by the master speaker, and the house not being satisfied with the answer, he was called in again to give his last answer, which he having done, and being withdrawn, and the house not being yet fully satisfied with his answer, he was again called in to explain himself, and being withdrawn, some heads of his testimony, to avoid mistakes, were drawn in writ, and being again called, and the same read to him, and having amended it in some particulars at the bar of this house, the same is as follows, viz. That coming into England out of Scotland, the first Saturday of September 1673, he went to visit the duke of Lauderdale in his lodgings in Whitehall, where the duke and he discoursed of the affairs of England and Scotland, and particularly of the proceedings of parliament concerning the declaration, for suspending penal laws in matters ecclesiastical; and being afterwards asked, whether, if Scotland being called to assist the king, they would assist him or not? he answered, he thought they would not; but the duke replied, he believed they would, and that his coming into England, would bring a great many. That the duke asking him of the affairs of Scotland, he answered, the people in Scotland that were at such a distance could not imagine what to think of the king's speech and declaration; whereunto the duke replied, *hinc illæ lachrymæ*, and that all had forsaken the king but himself and the lord Clifford.

† The reader will have observed, that in these supplementary notes we have made frequent reference to Bishop Burnet as an impartial witness to the truth of the statements of our author. We have done so on *three* grounds. *First*, Bishop Burnet not only lived at the time when most of the transactions which he relates took place, but was in many instances an eye-witness of them, and an active participant in their causes, attendants, and consequents; and was thus a most competent judge and historian of such transactions. In the *second* place, all his prejudices were *against* the covenanters, and in favour of the episcopal hierarchy, and this, while it accounts for the contemptuous manner in which he sometimes speaks of men who were decidedly his superiors in theological and general literature, renders his testimony in favour of the character and history of the covenanters far more worthy of regard, as being the testimony of one whose inclinations certainly did not lie in that direction. In the *third* place; although Wodrow and Burnet wrote and published their histories entirely without the knowledge of each other, there is a remarkable harmony in their narrations as to all the leading events of the times. The first volume of Burnet was published in 1723, and the second in 1734; so that Wodrow, whose work appeared in 1721, 1722, could not possibly have seen either the one or the other. Mr Hume seems to have valued Burnet highly, as he very frequently transcribes from him, while he as frequently cries him down. We speak not of his theology nor of his general character as a man: but we adopt the sentiments of a late historian who had laboriously compared the history of Burnet with an immense mass of MSS. in the Advocates' Library, that "the narrative" of the bishop "is neither to be rejected because the dates may be sometimes misplaced, nor are the glowing characters of nature to be discarded because they coincide not with the prejudices of party writers."—Laing's History, vol. ii. p. 398.—*Ed.*

gerous to the government. A copy of this address the reader will find at the foot of the page.*

The two heads the house of commons insist upon, are, his passing an act in the parliament of Scotland, for levying twenty thousand men to march, at the king's command, to any part of his dominions, where his honour and interest shall require: and his having said at the council-table at London, "That the king's edicts were equivalent to laws." The reader will find what answers were given to both the allegations, in his majesty's answer to the house of commons' address, below.† Notwithstanding this attack upon the duke, he continued firm in 1675.

* *Commons' address against Lauderdale, April 27, 1675.*

We your majesty's dutiful and loyal subjects, the commons in the present parliament assembled, do with humility and faithfulness acknowledge your majesty's care for the safety of your people, in calling us together at this time, to consult of the best means for the preservation of our religion and properties, though we have great cause to rest assured of the continuance of your majesty's disposition towards us, yet we find, upon serious examination of the state of this kingdom, that there are great jealousies risen, that some persons of great employment under your majesty, have fomented designs contrary to the interest both of your majesty and of your people, intending to deprive us of our ancient rights and liberties, that thereby they might easily introduce the popish religion, and an arbitrary form of government over us, to the ruin and destruction of the whole kingdom. Amongst these who are presently employed under your majesty, we have just cause to accuse, for a promoter of such designs, the duke of Lauderdale, lately created earl of Guilford, because we have heard it testified in our house by several of our own members, that in the hearing, before the council, of the case of Mr Whaley, who had committed Mr James contrary to your majesty's declaration of the 15th of March, 1671, he, the said duke of Lauderdale, did openly affirm in the presence of your majesty sitting in council, and before divers of your subjects attending there, that your majesty's edicts ought to be obeyed, for your edicts are equal with laws, and ought to be obeyed in the first place, thereby, as much as in him lay, justifying the said declaration, and the proceedings thereupon, and declaring his inclinations to arbitrary counsels, in terror of your good people. And we are further confirmed in this opinion by late acts of parliament, of a very strange and dangerous nature, which we have observed amongst the printed statutes of your kingdom of Scotland, the first whereof was in the third session of the first parliament held there under your majesty, cap. 25, and the other in your majesty's second parliament, cap. 2, the like whereof was never passed since the union of the two kingdoms, and are directly contrary to the intention of an act past here in the fourth year of the reign of king James, "for the utter abolition of all memory of hostility, and the dependencies thereof between England and Scotland, and for the repressing of the occasion of discords and disorders in time to come," and of a like act past about the same time in the kingdom of Scotland. By force of which said late acts, there is a militia settled in that kingdom of twenty thousand foot and two thousand horse, who are obliged to be in readiness to march into any part of this kingdom, for any service wherein your majesty's honour, authority, and greatness may be concerned, and are to obey such orders and directions, as they shall from time to time receive from the privy council there. By colour of which general words, we conceive this realm may be liable to be invaded under any pretence whatsoever; and this hath been done, as we apprehend, principally by the procurement of the said duke of Lauderdale, he having all the time of these transactions been principal secretary of the said kingdom, and chiefly intrusted with the administration of affairs of state there, and himself commissioner for holding the parliament at the time of passing the latter of the said acts, whereby the providing of the said horse and foot is effectually imposed upon the said kingdom, and that extraordinary power vested in the privy council there; and we conceive we have just reason to apprehend the ill consequences of so great and unusual a power, especially when the affairs of that kingdom are managed by the said duke, who hath manifested himself a person of such pernicious principles. We do therefore in all humility implore your sacred majesty, considering how universal a fame and clamour of the said misdemeanours runneth openly throughout this realm, that for the ease of the hearts of your people who are possessed with extraordinary grief and sorrow, to see your majesty thus abused, and the kingdom endangered, "your majesty would graciously be pleased to remove the said duke of Lauderdale from all his employments, and from your majesty's presence and council for ever, as being a person obnoxious and dangerous to the government."

† *King's answer, May 7, 1676.*

Charles R.—His majesty has considered of the address against the duke of Lauderdale, and the reasons accompanying it. As to the acts of parliament mentioned to have been past in Scotland, his majesty observes the first of those acts was in the year 1663, which was long before the duke of Lauderdale was his majesty's commissioner in that kingdom, the latter was in pursuance of the former: as to the words by the time of Mr Whaley's cause, his majesty perceives, that if they had been spoken they must have been spoken before the last act of general pardon; and his majesty being sensible how great satisfaction and security the inviolable preservation of the former act of indemnity and oblivion has been to all his subjects, cannot but apprehend the dangerous consequences in inquiring into any thing that hath been pardoned by an act of general pardon, lest the example of that might give men cause to fear their security under the act of oblivion.—Given at the court of Whitehall, the 7th day of May, 1675.

The same being read, and a debate rising thereupon, the further debate adjourned while Tuesday morning next.

1675. the king's favour, and that of the duke of York; and, for some time, he and his brother managed all in Scotland, and their party carried every thing they pleased in the council and treasury.

The former year and this, the differences among the episcopal clergy were not small; and since no account of them hath, that I know of, been given to the public, I shall insert here, what I can gather from any papers, relative to this, come to my hand, though indeed it is but lame. Bishop Sharp and his party resolved to oppress and bear down some who set up themselves for some further advances in reformation, as they took what they pressed for to be. And the primate's carriage in this affair will be a new instance of that antichristian spirit of persecution and pride he was possessed with, in so great measures, not only toward presbyterians, whom he had deserted, and resolved by all methods to ruin, but also to those of his own kidney, when they came not up to every thing that was his pleasure, as if he had been an infallible and visible head of the church, and vicar of Christ, or another antichrist in Scotland. This business began last year, and ended in September this year; and I put it all together, as far as it has come to my hand.

In May and June, 1674, not only some of the inferior clergy, but even some of the bishops themselves, began to complain pretty openly, that the church was not governed in an ecclesiastical way, but in a most arbitrary method; and that archbishop Sharp acted as a pope, and, in council and out of it, managed the affairs of the church, without so much as noticing the rest of the prelates: and that though there was a law for a national synod, yet none had been permitted, by his influence, to meet, for a common course in ecclesiastical affairs, compiling of canons, and exercise of discipline. Bishop Sharp and his friends allege, that these complaints were groundless, and flowed from the country party, as it was called, in the state, in order to heighten the clamour and differences under the duke of Lauderdale's administration. How far the persons dissatisfied with the duke's management, might play their game here, I am not to determine: but desires for bettering things in the church were not unreasonable, as things stood; and if there was any thing in this matter of partying, it was carefully improven by the primate, to make the duke essay to embark his majesty in his own faction, and to bear down the other side. All the account of this matter I am able to give, to set the papers following in the fuller light, is, that these complaints, and the motion for a national synod, was pretty openly given into by bishop Laurie of Brechin, and Mr James Ramsay, bishop of Dumblane. When the bishop of Brechin came to Edinburgh, he was prevailed upon by his friends, to conform himself to archbishop Sharp's sentiments; and accordingly he quit the other, and left him to manage the affair alone: yea, it is said, he dropt some representations he had in trust from his diocesan synod, pressing a national synod. Bishop Ramsay stood out for some considerable time, and insisted upon the joint desires of the clergy of his diocese, and in other places, for a national convocation of the clergy. Among the inferior clergy some appeared likewise very active in this matter, particularly Messrs Turner, Cant, Robertson, and Hamilton, in the diocese of Edinburgh. Their diocesan being utterly averse from a national synod, they and some others agreed upon a petition to him, that, if possibly they could prevail with him, he might deal with the primate to interpose for the indicting of one. Last year the petition was formed, but when it was presented, I cannot say. A copy of it lies before me, said to be taken in haste, and characters, when the petition was read; and I give it here as I have it.

"*To the reverend father in God, the lord bishop of Edinburgh, the humble petition of some of the ministers of the diocese of Edinburgh.*

"That whereas your lordship is perfectly acquainted with the disorders and confusions of this kirk, and the contempt the ministers and ordinances of the gospel lie under at the present, and that the protestant religion itself is thereby exposed: we do humbly and earnestly desire, that your lordship will intercede with the lord primate his grace,

and the rest of the R. R. the bishops, that they would be pleased carefully to represent the sad and deplorable condition of this kirk, to his most sacred majesty: and that since, in all ages, synods and assemblies have been judged the best ecclesiastical remedies of such evils, they would interpose that a national synod may be indicted by his majesty's authority; and so the schisms and abounding disorders whereby truth and peace are in so much danger, with all the bad effects thereof, may be removed, and some speedy solid course fallen upon, for advancing the purity and power of religion, and good discipline: that so his majesty's subjects, agreeing in the truth of God's most holy word, may live quietly and peaceably, in all godliness and honesty, under his gracious government. We are confident your lordship will favourably accept of this humble address; neither can we doubt but your lordship will endeavour to do your utmost in so good a cause. We know likewise, many others of the brethren of the diocese would have joined in the same desires, had they enjoyed this occasion of applying your lordship, and with us have exonerated themselves in what is so much our duty, in times of so much difficulty and danger. Thus, remitting other things to your lordship's prudence, we pray Almighty God to grant you direction, and remain," &c.

Who or how many signed this petition I know not; but I find the four last named ministers were removed from their charges for some time: we shall afterwards find two of them reponed, on their submission; and it is probable the rest were received, after they had suffered a while upon the score of their harmless opinion in this matter. It is but little further account I can give, save what the reader must collect from the papers I shall now insert, which speak for themselves, and contain a pretty full view of this matter, from the parties principally concerned. I begin with a paper relating to this matter, and entitled, "Letter from Archbishop Sharp to the Archbishop of Canterbury," dated, in two copies before me, in the year 1674, but without the month and day. It appears to me to have been writ before the matter was tabled in council, and follows. 1675.

"May it please your grace,

"Albeit I have kept long silent, and my correspondence with your grace hath not been so frequent as formerly; yet, like the son of Cresus, I must cry out when my mother the church is in hazard, and, I believe, if I should hold my peace, the very stones should speak, for the gospel is now at stake. We are assaulted not only by foreigners, our old enemies the fanatics, who were never off us; but also, alas! my lord, there is a fire set to our own bed-straw by sons of our own bowels, who viper-like seek to eat that which produced them. They are all crying for a general convocation of the clergy, upon no other account but to shake off our yoke, and break our bands asunder.

"I hope your grace will consider your own hazard, and what disorders have followed in England, upon our distempers in Scotland: when our neighbour's house is on fire, it is time to look to our own. Their great aim and design is against me, who, God knows, like Paul, have spent myself in the service of this church, and am yet willing to spend what remains. I believe no man can say I have run in vain, but if I be not supported by his majesty's special favour, through your grace's interposition, I shall inevitably suffer shipwreck; and that were of no value upon my own account, but I see, through my side, the church shall be wounded.

"The only remedy is to procure his majesty to discharge the convocation, which will calm the storm, and quench all those malicious designs which are now on foot to disturb the peace of the church. They are already come to that height of insolence, that one Mr Cant, a presbyter, has shaken off all fear of God, and regard to his canonical oath, in calling me a great grievance to the church. My dear lord and brother, bestir yourself in this affair, and remember the woe is pronounced against those who are at ease when Zion is in distress. So recommending this to your care, I am, my lord,

1675. your grace's affectionate brother, and faithful servant,

"ST ANDREWS."

Directed, "For his grace, the archbishop of Canterbury."

Whether this whining letter put the bishop of Canterbury upon using his interest at court in this matter, I know not, but no stone is left unturned here to curb this alleged insolence of these who differed from the primate. Accordingly, I find the archbishop tables this matter before the council, and begins the persecution: and, July 2d, 1674, "the council being informed by the archbishop of St Andrews, of some insolent carriage and expressions of Mr Archibald Turner, Mr John Robertson, and Mr Andrew Cant, ministers at Edinburgh, at a meeting of the presbytery, and before and thereafter; do remit to the archbishop of St Andrews, lord privy seal, earls of Kincardine and Dundonald, president and advocate, to meet and examine them thereanent, and to examine witnesses, with power to confine and imprison as they find cause, and report." What they found and did thereupon, I know not; but it would seem that an account was sent up to London, and that is the foundation of the letter from the king, which I shall just now speak of. And a meeting of bishops is thought proper at St Andrews, and the bishop of Dumblane is acquainted to wait upon it. All the account I can give of this, is from a letter from bishop Ramsay to this meeting. He did come to them, and used abundance of freedom with the primate. This was so ill taken, that he is advised to withdraw, which he did, leaving the following letter behind him.

"May it please your grace,

"It was in obedience to your letter requiring me, that I presumed to come to this meeting, wherein, being thus called, I thought I might have spoken my opinion freely, according as my reason did dictate to me: yet no sooner did I offer to speak my thoughts before the bishop and dean of Edinburgh, upon a particular then debated, but your grace did charge me as unchristian and uncivil, though I was upon my guard to speak in all submissive terms, your grace having signified your displeasure with me, by refusing me your hand at first meeting; and, my lords the bishops know with what sharp expressions your grace treated me yesterday, for no other cause, but that I humbly desired to know in what capacity we were to act in this meeting, whether as a provincial or national synod; and once and again your grace required me to be gone from the meeting: however, I was loath to go away presently, but stayed till that meeting was ended. Yet finding it is not fit for me to appear at a second diet, after your grace required me to be gone, and also apprehending there may be hazard for me any more to speak my mind in this meeting, which I conclude from the warning one of the right reverend bishops gave me yesternight, who told me, he believed my neck was yuiking, which hazard I have the more reason to apprehend, because I heard it spoken in the meeting, that there were letters from the king's majesty, which your grace hath showed to the rest of my reverend brethren, and kept up from me; therefore I resolve to give your grace and this meeting no further trouble by appearing in it: only I protest for the liberty of my episcopal seat, that in all time coming it may be free for the bishops of Dumblane to be at the meetings of the bishops, and be authorized to bring presbyters with them to the same, as well as any other bishops, which hath not been granted to me at this time.

"And though I cannot at this time be any more present, yet I still presume to offer my humble opinion anent the motion about canons, which was spoken of yesternight, and lay those considerations following at your feet, and the rest of my lords the bishops. 1st. Although none in this church is more grieved for long want of canons, nor wishes a more speedy settlement of them in a regular way, than myself, yet it may be considered whether (especially at this time) it may not possibly increase our schism and disorders, by raising a jealousy in the minds both of the orderly clergy and others, as if we intended to rule them in an arbitrary

way, if we alter these methods of making ecclesiastical laws, which have been constantly used since the reformation, and was pleaded for by the bishops themselves in the year 1619, as archbishop Spotiswood records in his history. 2dly. If we can legally form canons for the church, in a meeting which is neither national, provincial, nor diocesan, but only consultative, as your grace declared this to be yesternight, since by an express act of parliament it is declared, that no act or canon shall be of any force or validity, or be obeyed by any in this church, but what shall be agreed on by the national synod, as the said act seems clearly to appoint. 3dly. Whether it be not very expedient, that after so long a want of canons, there should be full and mature deliberation had thereanent, lest they be either defective or redundant, and so still keep this poor church in an unsettled condition, while we think to settle the same: for your lordships may easily see how improbable it is, upon the first hearing of these canons read (for some of us never saw them as yet) that we should be able to cognosce seriously of every thing necessary to be considered in so great an affair, and so important to the church. 4thly. Though the archbishop of Glasgow was not written to, that he might attend this meeting, yet it is not unknown to your grace and lordships, how fitted he is to give advice in the matter of canons; nor doubt I but it will be expedient that he should be consulted in an affair that concerns the whole church, since he is a distinct metropolitan. 5thly. Whether or not the matters of faith and worship ought to be considered, by the same necessity that canons are, since we both feel and have reason to fear danger to this church, by heresy and irreligion, no less than by scandals in practice. And therefore I leave it before your lordships' grave consideration, if it be fitting to do the affairs that are intrinsical to the church by halves, yea, by smaller pieces, and not rather by carefully preparing these, than canons only; that when they are prepared, according to the warrant granted by his majesty, many years ago, to that effect, his majesty may be humbly solicited to indict a national synod, against such time as his majesty in his royal wisdom shall think fittest, and most consistent with his other affairs. And since the schism of this church hath opened the door to most of our other evils, I also move with all submission (if there be any harm) that endeavours be used to cure the schism in a church way, and that essays be made to bring them to our church, inviting the gravest and most sober of these ministers that yet have not concurred with us, that so at least the wideness of the breach may be contracted, and the church more fortified against all its distempers. 1675.

"And thus I have presumed to empty my most sincere and inward thoughts touching that affair, as far as the shortness of time would allow: and as I beg your grace and lordships' pardon, if in any thing I have offended, so I hope your goodness will forgive the trouble of this letter, which I shall lengthen no further than to assure your grace, however I be disposed, your assistance and direction by the unerring Spirit of God, for recovering this poor church, shall always be prayed for by," &c.

Directed, "For his grace the archbishop of St Andrews, and my lords the bishops of his province, now convened at St Andrews."

"P.S. I presume to add, that it is my humble request, that your grace may interpose for taking off the sentence inflicted upon these loyal and worthy watchmen the ministers of Edinburgh, lest disorders grow more in that city, and from thence infect other places."

The sentence against the ministers of Edinburgh, spoken of in this postscript, will best appear from the following letter sent to the council upon this affair, which was before the above meeting of the bishops at St Andrews; of which I have not the date, but only find it was this year. When information had been sent up, in June or July, of this matter, the king sent down this letter, dated July 16th, 1674, which I find read in council, July 28th.

"Right trusty and well beloved, &c. We greet you well. As we cannot but, when occasion is given, signify our royal displeasure against all factious and divisive

1675. ways in the church, unbecoming that orderly subordination and dependence, which is owned by the canons of the Christian church, and the laws of that our ancient kingdom; so from our princely zeal and care that the authority and honour of bishops in their due subordination may be preserved, and all contrivances against them suppressed and punished, we have thought fit to write to the archbishop of St Andrews, that it is our royal pleasure, that forthwith there be a translation of the bishop of Dumblane, to that of the Isles; and that the bishop of Brechin be appointed ordinarily to preach at the college kirk of Edinburgh; that the bishop of Edinburgh remove Mr Turner, Mr Robertson, and Mr Cant, from the exercise of the ministry in Edinburgh, or any place in his diocese without license, and that Mr Hamilton be removed from Leith. Therefore as upon other occasions, we have recommended our bishops in that church to be countenanced and assisted by the lords of our privy council in the discharge of their offices, and that their persons may be kept in safety and due respect; so at this time especially we judge it necessary, when their authority is not only assaulted by schismatics, but contemned and violated by those who are solemnly engaged to pay them obedience canonical, to require you to employ your authority for that effect: and in particular, we do positively require you, to cause the bishop of Dumblane, within two weeks to remove from residence in any place of the diocese of Glasgow, and forbear meddling with matters relative to the church, save in his diocese of the Isles, but as he shall be called thereunto by his ordinary the archbishop of Glasgow, or by the archbishop of St Andrews, upon occasion, as primate: that ye cause, within ten days, Mr Turner to remove from Edinburgh to Glasgow, there to abide till our further pleasure be signified: that, within the space of ten days, ye cause Mr Robertson to be removed to the minister's manse at Auchterless, in the diocese of Aberdeen, there to abide till our further pleasure: that within the like space Mr Cant be removed to Libberton, there to abide till our further pleasure: and within the said space Mr Hamilton removed from Leith to the manse of Cramond, till further orders. For all which this shall be your warrant, and so we bid you heartily farewell. Given at our castle at Windsor, the 16th day of July 1674, and of our reign the 26th year. by his majesty's command,

"LAUDERDALE."

Here indeed is summar justice, and the full exercise of the royal supremacy; bishops and ministers removed and confined, without any process or trial I know of, but merely by letters and informations sent up by their enemies here. The king's letter was obeyed in all points of it, and July 28th, the council send a macer to intimate the king's pleasure to all of them: (and upon the 30th of July, as we saw in the council's letter of this date last year, they signify to the duke so much) and order each of them to give obedience as accords.

The same day the bishop of Dumblane presents a petition to the council, anent which I know no further than what is contained in his letter to the bishop of St Andrews, just now to be insert. Only I find this short letter to Lauderdale in the council books. "May it please your grace, The enclosed petition from the bishop of Dumblane, being this day presented to us, we thought not fit to meddle in the affair, but have transmitted it to your grace, that his majesty may be acquainted therewith. I am," &c. Whatever was in the petition, the bishop of Dumblane (for although by the king's letter he is ordered to be translated to the Isles, yet he still in his papers keeps his style of Dumblane,) takes the first opportunity to go up to court himself. Accordingly, in April, 1675, I find both him and the primate at London, where the two bishops fall a scolding in their letters; they give the best account of their difference themselves, and so I insert them. The bishop of Dumblane begins this paper war with the following letter, of the date June 7th, 1675, full of severe charges.

"May it please your grace,

"It is not unknown to your grace, what obliged me to come to this place, or occa-

sioned my stay so long in it. I have ground to believe it was you who abused his majesty's ears with that account, which his majesty takes notice of in his letter to you, July 16th, 1674, and was the ground of what his majesty was pleased to order concerning me, both in that, and the letter to the privy council, of the same date. It was you who not only intimated his majesty's pleasure, contained in your own letter, very surprisingly to me, and in an extrajudicial and unfatherly manner, without any ghostly exhortations; but also influenced the council to intimate their order, without previous calling me to be heard: and when I gave in my petition to the council, containing my purpose to give exact obedience to his majesty's pleasure, but only prayed them to represent my case to his sacred majesty, that, for the justification of my innocence, (since I was not called before sentence) I might be put to the strictest trial, anent these crimes informed against me; (a desire which coming from the meanest laick, should, for its justice, have been kindly entertained by churchmen) yet, you know how vigorously you opposed it; yea, after the council was pleased, notwithstanding your opposition, to transmit my petition to his majesty's consideration, you shortly after came here, where you have stayed since, having no small influence on them who manage public affairs. It might have been reasonably hoped, that, as primate, you should have concerned yourself to help forward a favourable answer to the petition of a bishop of your own province, so just in itself, and so transmitted; or, though your lordship had no regard to me, yet the consideration of the good of the church, in that corner where you know disorders are increased since my restraint, together with the danger of the preparative, should have prompted your grace to do somewhat, to bear witness that your zeal for the church was stronger than your private pique at me. But since I came here, I have been amazed to find a person of your character and parts, could think it worthy of himself and his pains, to make and spread such reports as I am told you have done. May I be so bold as to ask your grace, if indeed you believe me to be a fanatic; or upon what shadow of ground you either think or report it to others? 1675
Have you any letters under my hand, avouching that presbyterial government, even but for its substantials, *jure divino?* Or, that I was thinking *de mutando solo*, when the parliament made the first discoveries of their inclination to restore episcopacy? And your grace may remember, that I was sequestrate by the usurpers, from the exercise of my charge, till the king's happy restoration; and you know how early I discovered my persuasion touching church government, and how I acted for it in the synod of Lothian, under the eye of the greatest patrons of presbytery; and do you think I am turned fanatic because a bishop? I beseech your grace to consider how unjustifiable those slanders will be, when put to the touch. Wherefore, I desire (I shall not say the favour, but the justice of you) that you may either choose an indifferent person, who may consider your allegations, with their evidences, and my answers; or, that without more noise (considering that my sufferings already are far above the merits of all you can lay to my charge) you will be pleased to interpose, and wipe off the dirt by the same hand that threw it on me, whereby I may be restored to his majesty's favour, and my just right: by doing whereof, you may cross a lust of malice, but can neither wound conscience nor honour. But, if you please neither of these, nor any thing else than my being a holocaust to your revenge; then let me beseech you to allow me the same freedom in representing you, which you have taken concerning me: and I assure you, though I will have foul things to represent, I will do it in fairer manner than that in which you used me; and this candour in warning you is one step of it. My lord, if you think strange of the terms and manner of this address, I must be excused; for I would not put what I was obliged to say in fairer or better expressions; nor can I believe you should expect I would come to trouble you myself, after you had often discovered your displeasure when I waited on you, and required me to begone out of your own house, after you had called me to it, and at length pursued me to this height and continuance

1675. of suffering, without just grounds. However, my lord, I have a just veneration for your character, and shall be loath to dishonour any that bears it, if you do not constrain me, by continuing to oppress me unjustly, and by endeavouring to shut up against me all avenues for redress: yet, even when this force shall be put upon me, I will endeavour to follow such methods as are agreeable to the canons and practice of the church in such cases, so much as unavoidable circumstances will permit me. And herein I desire not to be mistaken, as if I sent this, out of my trifling vanity, to fret you; I do it not, but out of duty to warn you. They are no trifles I have to say; and if you contemn this warning, I will be exonered before God and men to publish them. But I hope and desire you will prevent me by taking sober resolutions; for I declare upon my honesty, that no man knows that (much less what I have written) so that it is in your power yet to make it public, or keep it quiet; do which pleases you: but let me assure you (though you would seem not to believe it) that I am a true son of the church, a zealous lover of order and due subordination in it; and wherein you are truly for these, you shall never find me other than, may it please your grace, your grace's most faithful servant,

"JA. DUMBLANEN."

"If your grace return no answer this or the next day, I will conclude you resolve to give me none."

No question this letter would put the primate to use his politics, and in his return he spares not his brother. Which of them speaks truth I cannot determine; but one of them must be a liar, for they flatly contradict each other, as will appear from the primate's return.

"*Axyard, June 8th*, 1675.

"My lord,

"Yesterday, in the morning, while I was going from the privy garden to the park, a serving man put a letter in my hand, from your lordship; which having read, I shall, in gratification of your pressing desire, send this return. Your lordship knows best what obliged you to come to this place, or occasioned your so long stay in it, having notified neither to me; and you are mistaken if you think that I came, or have stayed, in reference to you or your case, or have taken pains to make or spread reports, as you are told I have done: for I declare I have not mentioned your name to the king, nor spoke of you to any, before I received your letter, save to these who told me you had been with them, and spoken of me and my way, in reference to the church and to you; and what I said was in just defence and vindication, against what you had most injuriously laid at my door. Your lordship has charged me with many things of which I am innocent, and for which, neither as a privy counsellor, nor an archbishop, am I obliged to give you an account. I have not made it my business to inquire into your persuasions in former or later years, nor into the meritorious actings or sufferings you value yourself so much upon, before the king's restoration; nor am I solicitous whom you mean, who, by letters under his hand, avoucheth that presbytery is *juris divini*, or was thinking *de mutando solo*, when the parliament was about to restore episcopacy; for better men than either you or I, have, without any criminous imputation, changed their sentiments about the form of governments and public administrations, which they have owned by the press and the sword. I do not think, nor said to any, you are "turned fanatic because become a bishop;" but I think there may be a schismatical and unpeaceable bishop in the church, and have more than once admonished you to take heed of that divisive temper, and giving way to that dictating and assuming humour, by which you have been observed to scandalize your superiors and brethren, before you was a bishop, and since; and shall moreover fairly tell your lordship, that since your coming to England, I have heard, that some, who think you had no small hand in that persecution, have declared that you contributed for promoting the fanatic interest, and have not spared to slander some of your own order, in their absence, which, I believe is not unknown to you. I had little opportunity to converse with you in

my whole life. I remember when I did you some good offices, but cannot say I had the opportunity to speak with you above twice or thrice, and then overly; and several years before you were made a bishop, and since, I have said nothing but what I have spoke to yourself, upon divers occasions, before some bishops and others of the clergy, who have testified I did not require you to be gone out of my house at St Andrews: and after, at Edinburgh, when you was at my lodging, you did meet with no uncivil usage from me. So that when some told me you made that your excuse, for not paying ordinary civilities to me since you came hither, I said, I was not to challenge that strangeness which was noticed by others. It was a strange allegeance of your lordship, and you are the first clergyman of any degree, whom I heard complain of my uncivil usage of any of them. And it is no less strange, that you allege my continuance to oppress you, for endeavouring to shut up against "you all avenues for redress," as you phrase it, without any evidence or proof; but that you will set up me as the object of your blustering against, on a pretence to the errand, you know best, you came and stayed here for. I shall further add, that the scolding language, and menacing warnings you are pleased to treat me with, by your letter, do not fret or discompose me, though you say, they are not trifles you have to bring against me. And as my own heart tells me, I harbour no malice, pique, and revenge against your lordship, which you do so positively charge against me: so I believe I can justify, to all my brethren of our order, (whose judgment I shall not decline, as to all you can accuse me of) or to any else who shall be appointed by competent authority, that whatever I have done or said against your lordship, did proceed from no other motive but from the sense of that duty I owe to the king, to the church, and to the office I bear, which, in the judgment of my brethren, you have violated. And though I might have expected more deference and regard from your lordship, than hitherto I have found; yet, if that the unavoidable circumstances you write you are under, will not permit you to follow these methods which are consistent with the great veneration you say you have for my character, but that you must endeavour to dishonour the person who bears it, without transgressing the canons and practices of the church, by representing those foul things you say you have against me, I hope God will arm me with patience under this injustice, and also, from your own hand, wipe off all that dirt that shall be thrown upon my integrity, which I will own against all the methods of expressing that bitter and causeless enmity and spite, you have not stuck to profess against me in Scotland, and since you came hither. You know I have not been a stranger in the lot of being attempted by the barkings of the malicious defamations, and the printed libels of the adversaries to that order, for which, I may say, without vanity, I have suffered and done more and longer, than your lordship can pretend to, or these who malign me. And now if you should follow that trade, as you have begun, others may think, *quamvis ego dignus essem hac contumelia, indignus tamen tu qui faceres.* And since you are pleased under your hand, to give me warning that you will represent foul things against me, which you will publish, and yet do not mention the particular crimes, but leaves it to my choice whether to make it public or to hold it quiet, which is upon the matter to take with the guilt of whatever malice shall suggest or allege against me: this, I confess, you may declare upon your honesty, is a generous offer from a true son of the church, a zealous lover of order and due subordination, to be made to one to whom you sware canonic obedience, and do now sign yourself ever to be a most faithful servant; but on the honourable terms of his lying for ever at his mercy for his reputation, I will not return you the compliment, nor use that candour you have used to me, by giving me warning of all these hideous things you have to boast me with; but tell you, I live under the protection of a just prince, and the laws which take notice of public libellers; and I do rejoice in the testimony of my conscience, which charges me with nothing in my administrations, for which I have cause to be ashamed before men. And when you con- 1675.

1675. sider the hazard of owning yourself as the author of these foul aspersions you warn me to expect, and shall return to a more sober and sedate recollection of mind, and of your duty, you shall find, through God's grace, that my carriage shall be such as becomes the duty of my station, which forbids my entertaining malice, pique, or revenge, against any, and enjoins charity, compassion, and long-suffering towards all, especially those who labour under the infirmities of impotent rage and exasperation of spirit. In this sense I am, your lordship's very humble servant,

"ST ANDREWS."

"I have obeyed the intimation by your postscript, with this caveat, that your lordship henceforth forbear troubling yourself with addresses by letters to me, for I will not further notice them with returns."

How this paper war ended I know not, neither is it of any great import, their debates being mostly personal: and I should not have inserted them, had it not been to give some specimen of both these bishops, from their own pens: but at length a court is appointed, of several bishops, probably of both the provinces, to make an inquiry into bishop Ramsay's case and conduct, and it met September this year. In the beginning of September, two queries were proposed to the bishop by this meeting, which I shall insert, with his answers to them, which he gave under a protestation, in the entry, against what he reckons informalities in their procedure.

James bishop of Dumblane his answers to the two interrogatories, given in writing to him by the most reverend and right reverend the archbishops and bishops, who are upon the commission granted by his majesty, for trial of the said bishop. Given September 4th, 1675.

"May it please your grace and lordships,

"Upon the citation sent me, I have according to my duty, appeared before you; and although your grace and lordships were pleased to declare, that you had done more than you were obliged to do, that you caused read in my hearing his sacred majesty's commission, authorizing your lordships in this affair, wherein I am so deeply concerned, and did refuse my humble and earnest desire for the use of the said commission, or a double thereof, though but for a little time, that I might be the better able to consider the contents thereof, so that I have not so much as seen the same but at distance; yet I find myself obliged (though still adhering to this humble desire) to give answer to the two interrogatories given to me in writing by your grace and lordships: which being these,

"'1st. Whether I obtained leave, either from the king's majesty or my metropolitan, to repair to court in April last?

"'2dly. Whether I did abet or assist the motion and petition for a national synod, without the consent of my superior, and the bishops of the church?'

"Before I proceed to the answer, I must crave pardon to put your grace and lordships in mind, that I have received no formal libel, nor am pursued upon the consideration of the relevancy, but am proceeded against by way of inquisition, and do resolve to give answer thereto, in the innocence and ingenuity of heart suitable to my station, whereunto I have freely condescended, that I might do all in my power for clearing his sacred majesty anent these informations which have been given against me, and satisfy your grace and lordships in the methods you were pleased to oblige me to: and therefore I do in all humility protest, that if your grace and lordships intend that the same should be the foundation of any sentence, whereby I may be concerned in my office, fortune, or liberty; in that case I may have a formal libel, and be allowed to advise the relevancy thereof, and give in all legal defences, in regard I have used that plainness and ingenuity in the subsequent answers for the ends foresaid: but hoping your grace and lordships will take no advantage, I proceed. And,

"To the first I answer, by confessing I did not. I sought not leave from his majesty, not from the want (God knows) of all loyal and dutiful respects; but that finding I had been secretly misrepresented to his majesty, and thereby a sentence procured,

which I found heavy upon me, and that my petition to the secret council was by their lordships favourably transmitted to his majesty nine months before, I was grieved any longer *hærere in reatu*, and thereupon presumed to address myself to his sacred majesty, both to clear myself of the crimes informed against me, and to be exonered of the sentence, not doubting in the least that his sacred majesty graciously allowed any of his subjects who found themselves grieved, to put their humble petition in his royal hands, without previous addresses for leave, which I (who had never been a day's journey from the place of my residence before that time) judged proper only for persons of greater quality and character than I: yet if there was any error in this, I hope it was pardoned, when his majesty was graciously pleased, without challenge, to allow me access to his sacred presence.

"That I did not ask leave of my metropolitan, was upon these considerations, 1st. That his lordship had not been in this kingdom for near nine months before I took journey, but was at court, whither I was to go. 2ndly. Because I was by the foresaid sentence inhibited the exercise of my function eight months before my journey, and so not tied to that residence, which, I suppose, brings a bishop under the canonical obligation, to ask his metropolitan's leave to go from his charge. And, 3dly. To deal plainly, I wanted not ground to believe, that he who had injured me by that secret, and, I hope, groundless account sent to court concerning me, was so nearly related to my metropolitan, that I could promise myself little success, though I had sought his grace's permission to go, and counteract it before his majesty. However, if in this I have neglected any part of my duty, I beg his majesty's pardon, and do promise, that if his majesty shall be graciously pleased to restore me to the free exercise of my calling, I shall be as careful to reside at my charge, and not go abroad without permission, as any bishop in this church. And as this was none of the causes of my sentence, (which was some months after it was inflicted) so I hope it will be no ground to continue it longer.

"As for the second interrogatory, I deny that I did abet or assist the petition for a national synod. And 1675. though I am not obliged to say any more upon the question, as it is stated, yet, to remove all jealousy of my candour in this affair, I confess freely that it was my opinion, that a national synod was necessary for settling a church which wanted an established rule of faith, worship and discipline, and saw no ground then to conceal mine opinion, wherever the subject came to be discoursed of: but this was not an opinion taken up at or near the time when the desire of it was called unseasonable. I first began to have it by the little that I had read of ecclesiastical history and discipline. But after that act passed, which is the 4th act of the 3d session of parliament, holden since his majesty's happy restoration, entitled, "An act for the establishment and constitution of a national synod," I never doubted but at any time, and to any person I might say as his majesty saith in that act, viz. "That a national synod is necessary and fit, for the honour and service of almighty God, the good and quiet of the church, and the better government thereof in unity and in order." In which also it is declared and appointed, that there shall be a national synod, and who shall be the lawful members of which it shall consist.

"And I was the more persuaded of the harmlessness of this opinion, because his majesty's royal inclinations appeared for many years together, after the passing of this act, to be for granting such a synod, as soon as the matters to be treated and determined therein were prepared. For which end, (as I remember) about, or not long after the time that act passed, his majesty did grant his royal warrant and command to the bishops, and some others of the clergy, to meet and prepare a liturgy, canons, &c. first to be considered by his majesty, and if approved, to be by his majesty offered to the consideration of the national synod: but in this account I beg pardon, if I have not kept exactly by the words of that royal warrant, which I never had the honour to see, but received this account (which I have transcribed as faithfully as my memory can fur-

1675. nish me) when the late right reverend the bishop of Edinburgh was pleased to honour me with some share in that work. And these his majesty's gracious inclinations to have that synod held speedily, appeared further, when, not long after his majesty had granted the foresaid warrant, I am credibly informed that his majesty gave commission to the right honourable the earl of Rothes, &c. to hold, and represent his sacred majesty at such a synod: which, after a long time's continuance, being expired, a commission to the same purpose was granted to a noble and potent prince the duke of Lauderdale his grace, which also continued for some years; before the expiring whereof, (I am told) some presbyters in the diocese of Edinburgh, did speak publicly in the synod their desires to see a national synod. But it is true, that during the continuance of both these commissions, there was no national synod held; and wherever the stop of it lay, I think I am sure the king's most excellent majesty sufficiently manifested his princely inclinations and zeal to have it: for, besides these instances mentioned, I do well remember, his grace the duke of Lauderdale, after ending of that session of parliament, which his grace held in the year 1672, his grace, speaking to all the bishops, did desire their lordships to think speedily upon these things, which were necessary for settling the church in its intrinsics, mentioning particularly canons, catechism, and form of worship; wherein his grace assured their lordships of his majesty's royal concurrence, as well as his own service, (in whatsomever station his majesty would be pleased to place him) for the establishing these, and for the enacting such laws as their lordships had judged necessary. Whence I hope it will be granted, that it was no mistake that upon these grounds I did believe so concerning his majesty's inclinations for a national synod; and albeit I shall be found to have mistaken, I am sure there was nothing in that error contrary to profound loyalty and charity, and therefore shall humbly expect pardon from his majesty's transcendent clemency.

"And I hope it will yet appear more pardonable, if (supported by the above-mentioned grounds) I did, somewhat more than before, express my wishes for such a synod, being under the fervours kindled by my consecration but so lately passed, and finding not so much as a catechism appointed in the church, nor a rule by which to try the faith, and correct the manners of my diocese; as also that the foresaid act contains an express prohibition to all archbishops and bishops, "to observe and keep any act, canon, order, or ordinance, but what shall be considered, consulted, and agreed upon by the said synod;" and yet myself (the most unworthy) advanced to be one but of fourteen persons, who are to answer to God Almighty and his Son the Lord Jesus Christ, for this poor church, which, though it had frighted me to snatch at remedies, which wiser men, and more conversant in state affairs may think unseasonable, the transportation is pitiable, and the cause of it commendable: yet I affirm, that as it was no new opinion taken up at or nigh that time judged unseasonable, but the prosecution and continuation of an old motion entertained once by the most I conversed with; so I wonder upon what grounds the plain and obvious, and by his majesty and parliament, (where my lords the bishops were sitting) an enacted remedy for this church's distempers, should have been suggested to his sacred majesty as a contrivance. Nor hath it yet appeared to me, how any evil design against the state could have been effected, among so many loyal churchmen, as that meeting must consist of, where nothing can be treated of but what his majesty or his commissioner (who also hath a negative) should deliver, or cause be delivered to the archbishop, president thereof.

"Nor is it almost supposable, that his majesty or his commissioner would propose any fanatical design against the order of the church, or that the archbishops, bishops, deans, and one from every meeting of exercise chosen by the bishops, with the learned doctors from the universities, would entertain it. Nor did I ever think that a national synod could ever be indicted, but allenarly by his majesty, who only hath the authority both of calling and dissolving them, and is

sole supreme judge on earth of the fittest times when to indict them, at his pleasure; nor did I ever hear any of these persons who appeared in that desire, but always speak their wishes for it with a full submission to his majesty's pleasure.

"And I utterly deny that ever my superior intimated to me, that his majesty was displeased with my opinion, anent the necessity of a national synod for settling the church, until the time that his grace intimated his majesty's sentence pronounced against me: yea, on the contrary, when I was at the meeting of St Andrews, in July 1674, I was not honoured to read or hear these letters, which I am told came from the king and his grace the duke of Lauderdale; though all the rest of the bishops, and some presbyters were allowed that favour.

"Thus I have answered the two interrogatories given me, with much plainness and ingenuity, and perhaps more than was necessary, as desiring rather to err on that than the other hand, not doubting but your grace and lordships, intrusted by his majesty in this affair, will, according to my protestation entered in the beginning, take no advantage against me from this my plainness, and being contented to be treated by way of inquisition, and answering so ingenuously, but will justly, and (where I need) favourably transmit my case to his sacred majesty, at whose feet I throw myself, that, from his royal goodness and clemency, I may obtain forgiveness of all that his sacred majesty shall think a fault, and be restored to the free exercise of my calling, if I shall be judged any wise useful in the church: and I shall, through the grace of God, be faithful in observing such laws and canons as shall be set to me, and ever pray for his majesty's happiness here and hereafter, and the church's peace, as is the duty of

"The unworthiest of the servants of God."

No accounts of this affair have come to my hand, save these I have from the registers, and the principal papers inserted, and so I cannot tell the impression this paper made upon the meeting, nor how it was taken. The bishop very fairly owns his opinion in the matter of the synod, which was so cross the primate's inclinations, and gives his reasons. The meeting propose another pair of queries to him; and upon the 6th of September he returns his answers to them, which will best speak for themselves. 1675.

James bishop of Dumblane his answer to the second couple of queries by the most reverend and right reverend the archbishops and bishops, who are upon the commission granted by his sacred majesty for trying the said bishop. Given September 6th, 1675.

"May it please your grace and lordships,—Upon the 4th of this instant I gave in my answers to the two queries I received from you in writ; and it may be remembered, that, before the reading thereof, I made an apology, that although I had made all possible haste to make ready mine answers, yet the shortness of the time had made it impossible for me to get the same transcribed *in mundo*, and therefore I begged your grace and lordships' pardon and allowance either to carry that paper which I read, with me, till I had transcribed it, or, if you thought not fit to favour me so far, I offered to deliver the same upon trust to my lord the bishop of Argyle, clerk to the meeting, provided I might but be permitted to sit by his lordship till he saw me transcribe the same, offering to leave the last written double with his lordship, after he had seen the same compared: and though your lordships seemed to grant the first part of my desire, and allowed me to carry the said paper with me, yet, not long after I was gone out from your presence, it pleased my lord bishop of Argyle to come to me, and desire a sight of the said paper, which I most readily granted, saying in express words, 'My lord, I give you this in trust.' I confess indeed, that after he had got it into his hands, his lordship was pleased to say, that he would not take it on trust; yet did not deliver the same back to me, but went into the meeting therewith. I was indeed the less concerned in the time, remembering what I had said before, and what permission I had received from your grace and lord-

1675. ships: but I confess I was surprised, when, upon my being called in before you, I found both the branches of my desire refused, and that with much ado a copy thereof was promised to me, which I doubt not your grace and lordships will make good, and also transmit a just and fair double of it to his sacred majesty.

"Your grace and lordships were pleased to interrogate me upon two things, but refused to give me them in writing; however, the substance and strength of them is,

"Whether the bishop of Dumblane heard the bishop of Edinburgh reason against the motion for a national synod, in the archbishop of St Andrews his chamber?

"Whether the said bishop of Dumblane knew, that the motion for a national synod was contrary to the judgment of his superior the archbishop of St Andrews his grace?

"Since this method of inquisition is followed with me, and I hope no advantage is to be taken against me by it, and adhering to the humble protestation made in my last, I proceed to make answer.

"As for the first, your grace and lordships cannot but remember, that when it was first proposed to me, I begged a little time, that I might speak with my lord bishop of Edinburgh in private; which his lordship, in your presence, was pleased to reject, saying, 'That he would not speak in private with me upon that subject, and that he thought never to do it in his life:' so that I think myself exonered, and at freedom to declare whatsoever is necessary, for clearing myself of any thing designed against me by this question, though it passed more privately betwixt his lordship and me, since he both gave the occasion for the question, and publicly refused to allow me the favour of speaking with him, that either I might have obtained his lordship's consent, or, by some proper medium, have been delivered from the necessity of speaking freely; yet I shall speak nothing but what I can prove by witnesses, if need be."

"To this first question then I answer, that although I will not question but his lordship did so reason, since he has asserted it, it being possible, yea, probable, that about or after April 1674, he might do so: yet, I crave pardon to say, I do not well remember it; but I do distinctly remember, that all the winter before, he was for a national synod, in the same terms and measure that I was, and gave this for a reason, that the church would never be well, so long as my lord St Andrews was upon the head of it, or at least till there were rules and limits set to his grace, whereby he might be restrained from doing in the common concerns of the church, without the common consent of the rest of the bishops. And his lordship may remember, we concluded a meeting of all the bishops to be fittest and ablest, both to judge of the expediency of the motion, and carry his grace's consent to it. In prosecution whereof, his grace may remember, that I seldom or never, all that winter, spoke for a meeting of all the bishops, but when his lordship was with me, and ordinarily the first mover. And I suppose his grace will remember, that sometimes his lordship moved that, when I was not present. Now, upon the supposition that his lordship had so reasoned, as the question imports, at the time mentioned; yet if his reasons given me in private for it, were stronger than these offered against it in public, I see no great reason why I should have followed his lordship in all his changes, and moulded my judgment just into the figure of his, although I do not deny a great deference to his lordship's opinion and person.

"As to the second query, I shall not deny that my lord of Edinburgh and I both were not a little jealous of his grace's aversion from that motion; but I do not remember that his grace did ever interpose his authority, or offer reasons against it, much less that ever he intimated any thing of his majesty's dislike of it, before July 1674, after which time I suffered. But I am sure I acted nothing in prosecution thereof; yea, all the time, when I expressed my opinion for that motion, I cannot be charged with doing any more than to use humble entreaties, that my lord primate might go foremost in it, according to his primacy. When his grace stood, perhaps I used such motives as I could, and renewed my humble desires; so that all was done argued still a depend

ance upon his grace. Nor did I doubt but all this accorded well with the laws of the kingdom, and the doctrine of the church, whereby I was taught, that *omnes episcopi sunt ejusdem potestatis intensivæ;* and that it was no breach of order, or canonical obedience, for a bishop, to desire him who is superior to him in order and extension of power, according to his place, to appear for the good of that church, which the one (though in subordination) was to be accountable for unto the righteous Judge, as well as the other; nor could I see ground to expect exoneration in the day of accounts, if he had not humbly, earnestly, and modestly renewed these his desires to his superior. For if it is not determined to be contrary to the rules of duty and civility, for a subject to seek a private favour for himself from his lord, and after refusal to renew his desires, and use the mediation of others, that he may obtain a grant; I do not see how it can be a crime in a bishop, after the same manner to sue to his metropolitan, in a matter so nearly concerning the church.

"Now that I have answered the two queries, in answer to the commands laid upon me, I might come to an end; but in respect it was told me, that if I pleased I might also speak to the other two things, viz. my secession from the meeting held at St Andrews, July 1674, as also touching the letter written by me to his grace of St Andrews, in June last; and remembering that some mention was made of both in his majesty's commission, when I heard it read, though neither of these two had influence upon procuring the sentence under which I lie; that nothing may be wanting which is in my power, to give satisfaction to his sacred majesty, or your grace and lordships, anent any thing charged upon me, I humbly offer these following considerations anent them.

"Anent my secession from that meeting, I offered, in the letter which at that time I sent to his grace, and my lords the bishops then convened, two reasons, which I shall now a little enlarge, that they may be the clearer. The 1st. That his grace did twice, before all present, require me to begone. And although my lords the bishops, in that paper which they subscribed, in reference to this affair, do (which I do not complain of) endeavour to smooth, as being only conditional; yet I crave leave to mind their lordships, that all which I spoke, and which is said to have given the trouble, which is mentioned as the condition of that requisition, was, 'That I being unacquainted with such meetings, this being the first I was ever called to, I humbly begged leave to ask in what capacity we were to act, that I might the better order myself, without giving trouble after the meeting was constitute;' which being expressed with all due reverence, and at the time when there was no business but general discourse, and smoking of tobacco, I believed should have given no offence in the least. 2dly. I humbly appeal to their lordships, if my lord bishop of Aberdeen, when he interposed to take off his grace, used not such expressions as these, 'Your grace must have some other quarrel at the bishop of Dumblane, than his asking that question; for if I (said he) had asked the question, your grace would have answered me more calmly.' 3dly. I also appeal to their lordships, if some of them, after I was gone out, did not deal with his grace to treat me more calmly afterwards. 1675.

"The second reason I take notice of in the said letter, is, that notwithstanding the foresaid requisition, having stayed the first session of that meeting, letters from his sacred majesty, and his grace the duke of Lauderdale, were kept up from me, though read and communicated to all the rest, albeit I took notice thereof publicly, when a return of thanks was proposed to the meeting, by saying, That although I was as much for returning thankful acknowledgments as any, yet I was not able to judge if the returns were relative to, and direct answers of these letters, since I had neither heard nor seen them: nor did this neglect sink much upon me, till the breaking up of that session; and, after I had offered my reasons why the general canons, designed for the discipline and government of this church by the law, required the consideration of a national synod, one of my right reverend brethren told me, that if I had seen what he had seen, I would not

1675. have spoken so of a national synod; insinuating as if somewhat capital had been in the affair. And then, I confess, I became jealous that these letters might be kept up from me upon design, and therefore began to think if it were fit for me to stay or withdraw.

"These reasons I thought sufficient then to mention, believing that so inconsiderable a person as I, should not have been challenged for returning from that meeting before the close, more than more considerable persons of that order, who came not at all; else I might have mentioned other two, which also I touched in a letter at the same time, directed to my lord bishop of Edinburgh, in which that to his grace and the meeting was enclosed. I shall now briefly add them. 1st. That session wherein I was present, broke up without any public appointment of time and place for any other, which my lord bishop of Edinburgh acknowledged before your lordships, upon Friday last. What private advertisements were given to other members, I know not; but the next day I waited in my chamber till eleven of the clock, and hearing of no meeting, I went to Dr Weems his chamber, which is near the meeting-place, and was told that their lordships were met. Whereupon, I gave Dr Scougal the trouble to go to the place of meeting, and try if I might speak with my lord bishop of Aberdeen his father, that from his lordship I might understand, whether I would be allowed to come: but after the said Dr Scougal had made an attempt twice, he returned both times with this account, That their lordships were so close, he could not speak with my lord his father. After which I continued waiting for some advertisement; but none coming, I believed it better to return to my charge, than to remain idle in that place, exposed to the mockery and mistakes of people, who knew there was a meeting of bishops in that place, and beheld me from it. And therefore, towards night, I withdrew, and came a part of the way homeward: by which doing, (when the premises are considered) whether I did any great wrong, I submit to the judgment and correction of others, and shall only say and protest, that my so doing proceeded not from any principle of separation and schism, but the contrary. And if a sight of that paper, subscribed at that time by my reverend brethren the bishops, had been granted to me, I should have endeavoured to clear every thing, which, upon the account thereof, can be objected against me: but since it was not allowed me, I must cast myself on that charity that forbids to condemn any man before he be heard.

"The last thing I am to speak to, is that letter written to my lord St Andrews in June last, which, if it be condemned as imprudent, I shall not contradict it. But, as I hope I will not be condemned of presumption, simply for writing to his grace, so I defy the world to charge me with publishing to any alive, that I had written, much less what the matter was therein contained: so that if his grace had not been pleased to publish it, all might have been as innocently written, as whispered in his ear; and I have met with but few who would have condemned such a method, either of presumption or imprudence. And yet the only odds lies in this, that I am more bound by my writ, than one, who is not ingenuous and candid, could have been by his secret whisper; and therefore I leave it to consideration, if I can be called a slanderer of his grace, though I had written more plain accusations than I have, since I did not publish them, by which any information and accusation comes to be a slander. And if his grace, upon offence or scandal thereat, had been pleased to have called me, (as by the said letter I insinuated a desire to be) all this, and the effects whatsomever of the publication, (for which I am noways to blame) had been prevented. And when I consider the contents of that letter I find the first and great part of it contains a representation of some injuries, I conceived his grace had done me; wherein I hope there is nothing contrary to the Christian precept, 'If thy brother offend thee, tell him,' &c. Anent which, I humbly conceive, it were more agreeable to the Christian rules, to give me just satisfaction, than severe challenge. If the words which give the great provocation be these, wherein I say, "If nothing less than my being a holocaust to your revenge (will please you) be

pleased then to allow me the same freedom in representing you, which you have taken concerning me; and I assure you, though I may have fouler things to represent, I will do it in a fairer manner than that in which I was used.' Concerning them it may be considered, 1st. That all is upon a supposition, that nothing less would satisfy his grace, than that I be wholly consumed by revenge; and it is hard to determine how much a better man than I may be tempted to do, to prevent such a lot. 2ndly. That the word is but comparative, 'fouler,' and so relative to what I have been charged with in these queries your grace and lordships have been pleased to put to me, which neither by word nor writ you have alleged to be transgressions of any particular law or canon. 3dly. That I undertake, that any representation I was to make should be in a fairer manner than that wherein I was used by his grace; and afterwards promised to follow such methods as were agreeable to the canons and practice of the church in such cases; so that I see not in all this, what should alarm an innocence and integrity suitable to the dignity of his grace's character.

"And now having considered every particular whereupon I have been inquired, I rejoice, that not any one law or canon has been objected, or the transgression thereof alleged against me, although there has been time to search very narrowly in all my conversation, these thirteen months, during which I have been restrained from the exercise of my office, and otherwise, and now the first time called to be heard. And now I hope it will give no offence to your grace and lordships, to be put in mind of that perpetually binding canon, 1 Tim. v. 19. which since you have *not* observed in dealing with me, I hope no sentence is intended to my prejudice: but if my free declarations given in answer to, and humble compliance with this method of inquisition, be not judged satisfactory, I throw myself at his sacred majesty's feet, and offer to undergo the severest legal trial, and condign punishment, if I shall be found to have done any thing against 'Cesar, the temple, or the law;' only I humbly beg that I may have my accuser face to face, and have license to answer for myself, concerning the crimes laid to my charge, which I doubt no any of your lordships would think reasonable were you stated in my condition, and therefore will not make any precedent to the contrary. Upon which grounds I do in all humility adhere to the protestation I made in the paper I gave in answer to the two former interrogatories, and rest in a perfect confidence of that goodness and clemency which naturally resides in the sacred breast of my dread sovereign, the benign effects whereof I have so many grounds assuredly to expect; giving this assurance, that however I be disposed of, I shall continue a most faithful and loyal subject to his majesty, and a dutiful son and servant to this church, and all who bear office in it." 1675

This paper of the bishop of Dumblane lets us in pretty much into the reasons and manner of this scuffle among the clergy. The primate's imperious and haughty doing of all things relative to the church, by himself, grated the rest of the bishops, and for some time they lay their heads together to oppose him, and make use of the fair handle of an act of parliament, for the meeting of a national synod, to lay down rules under which even his grace must be comprehended. The bishop of Edinburgh seems at first to have been at the head of this design, and to have engaged some of the ministers of Edinburgh in this affair: but the crafty and cunning primate finds means to carry off the bishop, and then the storm falls upon the two bishops and four presbyters, who had the courage for a while to stand their ground, and appear for the liberties the law had allowed to their church. This is all that appears to me from these papers, and I must leave the larger account of the circumstances to others, who may be better in case to give it: having no documents of what this meeting did upon the whole, I can only add, that I am told bishop Ramsay was obliged to make the best terms he could, and at last feign subjection to the primate, and so the business of a national synod dropt.* As to

* "Ramsay made more noise than Laurie, the 'nest egg,' then bishop of Brechin, but

1675. the presbyters and inferior clergymen, I find that this year, and probably at this same time (for the paper I am to insert has only the general date 1675) Mr Turner and Mr Robertson are reponed to the exercise of their ministry, upon their giving in the following paper.

"We undersubscribing, taking to our serious consideration, that his majesty hath manifested his displeasure against us, for our motion and petition relating to a national synod, June 1674, do sincerely declare our grief, that thereby we did occasion any offence to his majesty, or any in authority over us; and we do most humbly beseech, that his majesty may graciously pass by whatever hath offended him against us; and that my lord primate his grace, and others intrusted with him, may be pleased to restore us to the exercise of our former ministry, wherein, by the Lord's grace, we shall constantly behave ourselves with all loyalty to the king's most excellent majesty, and with all dutifulness to our ecclesiastical superiors, acting in our station in a due subordination and obedience unto them, and live in a mutual love and concord with our colleagues and brethren.

"ARCH. TURNER.
"JO. ROBERTSON."

Whether Mr Hamilton and Mr Cant came in upon the same kind of submission, I know not: next year we shall find the bishop and them freed from their restraints. From these authentic papers the reader will observe the spirit and genius of the primate, and the carriage of the bishops one towards another, and may be the less surprised with their management towards presbyterians. I will adventure to say, had we more of bishop Sharp's papers, and what passed betwixt him and his own set of people, we would see a great deal of that virulent antichristian temper the suffering party felt so much of at this time. And if this intestine war be not altogether so much for their own reputation, and no great proof that prelacy is calculate for preventing differences among clergymen, or the quashing of them, unless it be in tyrannical methods of plain oppression; yet this will be a sort of apology for their methods with presbyterians in this period, so that I am almost ready to flatter myself as deserving the thanks of the party, for acquainting the public with them, which I have done in a very fair and candid way, and from their own mouths.

Very little further offers to me upon this year. The same imposing and revengeful spirit that wrought in the primate, discovered itself in too many of the inferior clergy; and their spiteful and malicious carriage provoked, now and then, some of their parishioners to run into disorders and riots. Accordingly, I find, in March this year, some prisoners are brought in before the council, from the Arnbuncles, a country village in the parish of New Monkland, not far from Glasgow. It was alleged they had committed a riot upon the person of their minister. I do not find the issue in the council-books; whether the probation failed, or what was in it, I know not.

While persecution and oppression were carrying on in this island, and one party of protestants eating up another, the papists abroad were making a good hand of us, and France was piece by piece growing up to that frightful power she was lately at. Prodigious quantities of naval and warlike stores were exported this and the following years, from Britain to France, furnished probably in prosecution of the secret treaties lately entered into: and that monarch was put in case almost to accomplish his beloved projects of universal monarchy, and the destruction of the reformation throughout Europe. Meanwhile our managers were every day weakening the protestant interest, by their violence and severe courses.

after further inquiry, came off upon his knees. Four curets who had made most noise, Turner, Cant, Robisone, and Hamilton, were banisht from their charges for conscience' sake (as they said) for a while, but were afterward, upon satisfaction, received, and no more harm done."—Kirkton, p. 348. Ramsay was originally principal of Glasgow college, and dean of Glasgow. On May 23d, 1684, he was translated from Dumblane, where he had been since the translation of Leighton to Glasgow, to Ross, in which diocese he continued till deprived at the revolution. He died at Edinburgh, 22nd October, 1696, and lies buried in the Canongate church-yard.—See Keith's Cabal of Scottish Bishops, by Russel, p. 204.—*Ed.*

The devil was likewise playing his game among the ignorant and neglected country people; and I find several processes before the justiciary, for the execrable crime of witchcraft: particularly, in July this year, Katherine Sands, Isobel Inglis, Agnes Henry, Janet Henry, confessing witches, were strangled and burnt, in Culross, July 29th.* I shall only add, that upon the 27th of July, Sir Thomas Wallace of Craigie is admitted justice-clerk, in the room of William Lockhart of Lee, lately deceased, and a good many of the after processes against the suffering presbyterians, fell under his hands.

CHAP. XI.

OF THE SUFFERINGS AND STATE OF PRESBYTERIANS IN THE YEAR 1676.

1676. DURING this year and the following, matters are gradually going on to ripen things for sending down the Highland host upon the west of Scotland; which, with other severities, produced the rising quashed in the defeat at 1676. Bothwell-bridge. The council go on in their hard and iniquitous acts against presbyterians, and this year affords a good number of instances of the hardships put upon particular persons, ministers, and others; and a new committee for public affairs helps on all. More impositions are laid upon the indulged ministers; the differences continue betwixt the dukes of Lauderdale and Hamilton; yea, the persecution is even extended to the ministers who were banished to Holland. These and other things will furnish materials for three sections, where I shall consider the procedure of the council against conventicles, presbyterian ministers, and others, with the new and severe acts they make this year: and then I shall give a more particular account of the difficulties ministers, gentlemen, and others, were brought under for their nonconformity at this time; and end this chapter with an account of the circumstances of the indulged, the differences between the two dukes, and some other incidental matters which come not in so natively upon the two former sections.

SECT. I.

Of the acts and procedure of the privy council, against conventicles and presbyterians, this year 1676.

ALTHOUGH there was, in the foregoing year, a little slackening of the persecution, by reason of the multitudes who followed the gospel preached by the outed ministers; yet towards the end of it, and the beginning of this, the soldiers, especially those in the garrisons, were not idle. Wherever they found any whom they were pleased to reckon haunters of conventicles, they imprisoned, harassed, robbed, and wounded them, without control: and these agents to the prelates, managed their controversy with the nonconformists in the utmost violence, as if we had been in a state of war, and not like an ecclesiastical schism, by arguments. Notwithstanding of all this opposition, conventicles could not be borne down. In

* I am rather disappointed in finding no traces of the history of these witches in the curious, and many of them ridiculous and disgusting details of this nature, with which the Editor of Law's Memorials has filled the introduction to that work. He indeed regrets extremely, that Wodrow's collections on the subject of witchcraft, were not completed by him, and that many of the articles which he had collected are not now to be found among his MSS. There is no evidence that our historian actually believed in the reality of that power to which witches made pretence; but there is evidence that he believed in the reality of their *pretensions* to that power, and on account of their cherishing such pretensions and turning them to a profitable account, by practising on the weak and foolish, he held them to have been guilty of a crime both against religion and the state. On this principle, he might not think it wrong to act on the scriptural authority, "Suffer not a witch to live." The crime was a compound, both of blasphemy against God, and a base and wicked conspiracy against the peace and liberties of men. Mr Sharpe seems to view the matter nearly in the same light, when he says, "With all the compassion which the fate of so many unfortunate victims is calculated to excite, it ought not to be forgotten, that many of these persons made a boast of their supposed art, in order to intimidate and extort from their neighbours whatever they desired; that they were frequently of an abandoned life, addicted to horrible oaths and imprecations; and in several cases, *venders of downright poison*, by which they gratified their customers in their *darkest purposes of avarice or revenge*," p. cvii.—*Ed.*

1676. Edinburgh several sermons were *(preached)* in Magdalene-chapel,* and more privately up and down the town. Sometimes ministers preached in vacant churches, at the desire of the heritors and people, as at Kilsyth and elsewhere. In the city of Glasgow, Mr Ralph Rogers, who had been their minister before the restoration, was invited to preach among them, and he and Mr Matthew Crawford for sometime preached pretty openly in the sheriff of Argyle's lodgings. The sacrament of the supper being much thirsted for by many, last year and this, who could not receive it with the incumbents, and had not opportunity to join with the indulged, several ministers resolved to celebrate it. Accordingly, in the parish of Kippin in the shire of Stirling, the supper of the Lord was dispensed in the night-time to a very numerous meeting. There assisted at that work the reverend Mr John Law, since the revolution minister at Edinburgh, Mr Hugh Smith, minister at Eastwood, and his successor there Mr Matthew Crawford. About this time Mr Alexander Jamison minister at Govan, and Mr Hugh Smith, gave this sacrament in the house of the Haggs, within two miles of Glasgow, with very much power and liveliness. And if I mistake it not, Mr Jamison did not again drink of the fruit of the vine, till he drank it new in the Father's kingdom, at least it was some time this year that excellent person died. He was a man of great learning and piety, and had been ten years professor of philosophy in the University of St Andrews, and had a patent to have been professor of divinity there, but did not accept, although all who knew him were sensible he was every way qualified for it. The supper was likewise dispensed by Mr Hugh Smith to his own parishioners of Eastwood, in a barn at Kennyshead. He had Mr William Thomson, Mr John Rae, and Mr Matthew Crawford assisting him. The Lord very much owned these communions; and these sweet sealing times are not forgot by severals yet alive.

Those proceedings, last year and this, very much galled the bishops; and now that Lauderdale had again prevailed over duke Hamilton at court, as we shall hear, and seeing they had allaccording to their mind in the council, they propose, and without any difficulty carry a very severe proclamation against conventicles and other disorders, dated March 1st. I have annexed it at the foot of the page.* Little needs be said upon it, after so many former papers of this nature. The narrative owns great decays in religion, and a dangerous increase in profaneness. These are attributed to the separation from public worship, and the frequency of conventicles. The matter of fact is certain, but the cause most unreasonably given. Separation from public worship, when it may be joined in without sin, and with edification, is certainly a very great sin, and chargeable with these consequents,

* This chapel, of which so many notices are taken in the history, is situated near the head or west end of the Cowgate, on the south side of the street. It was dedicated to St Mary Magdalen, and was founded by Michael Macqueen, citizen of Edinburgh, who left 700 pounds Scots to erect it, trusting to the piety of others to contribute what might be further necessary to its completion. His widow Janet Rhynd, contributed 2000 pounds more to finish it, and along with the chapel, she erected an hospital for accommodation of a chaplain and 7 poor men, and endowed it with an annual stipend of 138 merks Scots, arising out of certain lands and tenements. By her deed of settlement, dated 12th Feb. 1547, she granted it in trust to the corporation of hammermen, with whom it still remains. In 1753, when Maitland wrote his history, the chapel was occupied by the convenery of the city, who occasionally met in it for the transaction of business.—Maitland's History of Edinburgh, p. 189.—*Ed.*

* *Proclamation against conventicles, &c. March 1st*, 1676.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to macers, or messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: forasmuch as by many renewed acts of parliament, and former proclamations, with advice of our privy council, we have manifested our religious and princely care and zeal for the interests of the protestant reformed religion, and of the church; and considering, how much it imports the glory of Almighty God, as well as the interest and service of our crown, that all due obedience be paid to such laws, as provide for the securing of the same, by uniting in worship, and by procuring of all due reverence to our archbishops and bishops, and the other subordinate officers of the church; and withal, the sad and sensible decays religion hath of late suffered, and the great and dangerous increase of profane-

and I am not to lessen the evil of it; but the presbyterians at this time were so sensible of the necessity of public worship, that when they could not with any advantage join with the profane incumbents, they carefully kept it up in houses and fields, under the greatest hazards. According to the style of this period, every evil 1676.

ness, through the most unreasonable and schismatical separation of many, from the public and established worship, and the frequent and open conventicles both in houses and fields, by such as thereby discover their disaffection to the established religion, and their undutiful aversion to our authority and government, whereby the peace of the kingdom is endangered, and the church divided, and, under pretence of scruple, faction advanced. And we having cause to apprehend, that these insolent disorders have flowed from their abusing of our royal clemency and indulgence, and from the slow, remiss, and unsteady execution of our good and wholesome laws; and being desirous, that all our good subjects may take notice, how serious and resolute we are to assert and maintain the true religion, and the unity and established order of the church; do, with advice of our privy council, require and command all our officers, and others intrusted for that effect, to put the laws and proclamations relating to the church, to due and vigorous execution, both against papists, and all other schismatical dissenters and disturbers of the peace thereof. And further, we do particularly require the magistrates of the several burghs, to seize upon any persons that are, or hereafter shall be intercommuned, and remove out of their several towns and jurisdictions, the families of such as are intercommuned, or declared fugitives or rebels, and all such preachers, as with their families do not attend the public worship, and that betwixt and the first day of June next: and we do require all noblemen, gentlemen, and all other subjects without burgh, and all magistrates and other persons within burgh, that they do not intercommune, harbour, nor relieve any of the persons who are, or shall be intercommuned, under the pains due to intercommuners by law; and declare, that if any person shall discover any heritor, liferenter, or other person without burgh, or any magistrate, or other inhabitants within burgh, who shall intercommune, harbour, or relieve any so intercommuned, shall have for such discovery made, the sum of five hundred merks, instantly paid to them out of our treasury. And whereas, by the seventeenth act of the third session of our second parliament, all sheriffs, stewarts, lords of regalities, and magistrates of burghs, are obliged to give an account of their diligence, in putting the acts relating to conventicles and separation, into due execution, to our privy council yearly, on the first Thursday of July, under the pain of five hundred merks for each year's failie: we declare, that we will call them to an account of their diligence, and punish their negligence accordingly: and further, we declare, that the magistrates of all royal burghs, wherein any conventicles shall be hereafter kept, shall be fined in the sum of five hundred merks for each conventicle, and that by and attour any other fine, to be imposed by our privy council upon them, for which, by act of parliament, they are to have relief from the persons present at the said conventicle; and that five hundred merks shall be the least sum to be exacted from any burgh for every conventicle, and which shall be augmented on the burghs more considerable; for which sum they are to have no relief, either from the common good of the town, nor from the persons found at these conventicles. And whereas, by our former proclamation, of the date the eighth day of April, one thousand six hundred and sixty-nine, all heritors, in whose lands any conventicles are kept, are liable to the fines, pains, and penalties therein contained: we hereby declare, that in like manner, these heritors of houses, within burghs of royalty, regality, or barony, in whose houses any conventicle shall be kept after the first day of June next, shall be fined in a whole year's rent of the said tenement where the conventicle shall be kept, and whereof the landlord shall have no relief from the tenant or possessor, and this, *toties quoties*, for every conventicle kept therein; and further, for preventing of all disorderly marriages and baptisms, we do hereby declare, that we will take care that the thirty-fourth act of the first session of our first parliament, and the sixth act of the second session of our second parliament, be put into due execution, against the contraveners thereof; and, for the encouragement of those who shall delate or inform, a proportionable part of the fines of these who shall be found guilty, shall be granted and allowed to them for their service therein. And whereas, by the fourth act of the second session of our first parliament, it is statute, that none be allowed to teach any schools, or be pedagogues to children of persons of quality, or chaplains in any family, without a license from the respective ordinaries, we do hereby require and command, that none hereafter entertain any schoolmaster, pedagogue, or chaplain, or person for performance of family worship, who have no such license under the hands of the respective bishops; and that under the penalty of three thousand merks to be exacted from each nobleman, and twelve hundred merks from each gentleman, and six hundred merks from a burgess, or any other subject, *toties quoties*, as they shall be found guilty herein. And that our royal pleasure in the premises may be made public and known, our will is, and we charge you straitly and command, that incontinent, thir our letters seen, ye pass to the market-cross of Edinburgh, and remanent head burghs of the shires of this kingdom, and other places needful, and thereat, in our name and authority, by open proclamation, make publication of our royal pleasure in the premises, that all our subjects may have due and timous notice thereof, and give obedience thereto, according to justice, as ye will answer to us thereupon. The which to do, we commit to you, conjunctly and severally, our full power by thir our letters, delivering them by you duly execute, and indorsed again to the bearer. Given under our signet at Edinburgh the first day of March, 1676, and of our reign the twenty-eighth year.

THO. HAY, *Cl. secr. concilii.*

1676. thing now must be attributed to conventicles, though every body almost at this time knew, that the decays of religion were so far from being chargeable upon these meetings, that the gospel preached at them did very much promote religion and righteousness; and the present profaneness could never be charged upon them, with any colour of reason, but upon the evil practices of the incumbent clergy, and the want of discipline in the established church, which we have heard even some of themselves regretting.

The statutory part of the proclamation runs very high: papists, *pro more*, are thrown in with presbyterian schismatics, and all magistrates are ordered to prosecute them, and seize upon intercommuned persons or fugitives. What follows is yet harder, "And all such preachers as with their families do not attend public worship;" and that betwixt and the 1st of June. One would think, they could scarce expect that presbyterian ministers would hear the curates, and that a grain of allowance might have been given them; and yet they and their families, who perhaps would not have gone, though they should have had the freedom themselves to go, are marked out for punishment for nonconformity. All who harbour the intercommuned, are made liable to the same pains with them; and a reward of five hundred merks, presently to be paid, is offered to any who shall discover such as commune with, harbour, or entertain the intercommuned. All inferior judges and officers are threatened, if they execute not the laws; and some of them, as we shall hear, were turned this year out of their posts, upon showing a little compassion towards the sufferers. Five hundred merks fine is imposed upon each burgh where a conventicle is kept, beside the exacting of the bonds the council had taken formerly from them, and larger sums upon the greater burghs; and the magistrates are to have their relief from the common stock of the town; which appears most unaccountable, and a short way to ruin the royal burghs.* Further, it is statute, that the heritors shall be fined in a year's rent of the house where the conventicle shall be kept, *toties quoties*, and, to encourage informers and delations, a part of the fine is promised to them. In short, if any chaplain, schoolmaster, or pedagogue is entertained, without a license under the hand of the bishop of the diocese, they impose the following fines; three thousand merks upon each nobleman, twelve hundred merks on each gentleman, and six hundred merks upon burgesses. This last clause pointed at a great many presbyterian students, youths of excellent qualifications, and great piety, and learning, as hath since the revolution appeared, several of whom I could name, who have filled and do fill the most important posts of this church, and our universities. The prelates, by this extravagant clause, designed to rid the youth of such tutors, that they might be, by others of their own kidney, trained up in principles agreeable to monarchy in the church, and tyranny and passive obedience in the state. With this severe proclamation against conventicle-keepers, another the same day is issued out, ordering the indulged ministers to keep their instructions, which, to make them the more burdensome, they call "the terms upon which they are permitted and indulged to exercise their ministry." This I shall notice further in its own room, in the last section. Thus they endeavour to bear hard upon all presbyterians, and either rent or ruin them.

Laws signify very little without close execution, and our managers were very careful to see that upon presbyterians. The soldiers were the daily executors of the laws, and now and then the council send particular commissions to particular persons, to look after the suppressing of conventicles. The two former years, such commissions were given, but they did not much, at least that I can learn, answer the severe projects of the persecutors; but now they resolve upon greater severity. I have formerly noticed, that the persecuting temper of the highfliers in England, reached us in Scot-

* In Mr Wodrow's own "additions" we have the following:—There is a mistake in the remark I make upon the words in the proclamation against conventicles, "And the magistrates are to have their relief from the common stock of the town;" which I say is unaccountable, and

land, though, I must say, our Scots managers far outwent the English. Accordingly, at this time, I find the meeting houses are ordered to be shut up at London, and the justices of the peace were generally changed, and new commissions given, with strict orders to be zealous and vigorous in executing the laws against dissenters.

Upon the same day, the council grant commissions to the chancellor, and, generally speaking, those mentioned last year, with some gentlemen in each shire joined to them, with the above powers and instructions, to put the laws against conventicles and nonconformity in execution. One committee is ordered to sit at Edinburgh, another at Glasgow, another at Stirling and in Fife, and one for Aberdeenshire, Murray, and Ross. No accounts from any of them have come to my hands, save that at Glasgow, which sat April 6th. Sometime before this council-committee or commission sat down, citations were issued out, at the instance of Sir John Nisbet, his majesty's advocate, to a considerable number of gentlemen, ministers, and others, to appear before the lords commissioners, and declare upon oath what conventicles they had been at since the year 1674, what children they had baptized, and whether they had reset or harboured intercommuned persons. Their names, as far as I can recover them, were, Sir George Maxwel of Nether-pollock, of whom before, John Maxwel his son, whom we shall meet with afterward, Sir Archibald Stuart of Castlemilk, the laird of Dunlop, James Hamilton of Aikenhead, Gabriel Hamilton of Westburn, Mr Hugh Corbet of Hargray, Mr Ninian Hill of Lambhill, Patrick Hamilton of Neilsland, Messrs Andrew Morton, Hugh Smith, Matthew Crawford, James Wodrow, after the revolution professor of divinity in the university of Glasgow, John Johnston, Matthew Cumming merchants in Glasgow, and some others. The two first, the lairds of Pollock elder and younger, got off happily without swearing, by the favour of some members of the committee. None of the ministers or preachers appeared, whereupon they were denounced rebels, and the soldiers had orders to search for and apprehend them, and some of them were intercommuned, and all of them forced to abscond, and undergo great hardships till the indemnity 1679. The rest refusing to give their oaths upon their own alleged guilt, but remitting themselves to probation, were imprisoned at Glasgow, and from thence sent in under a guard to Edinburgh, after the committee had fined them, as guilty of as many conventicles as they pleased, for refusing to swear themselves guilty; and most of them continue prisoners in Edinburgh tolbooth for some months. And that I may give all the account I have of them together, I find, after much interest used, at length their cause is brought before the council; and, July 20th, the lords pass this act anent them. "The lords of his majesty's privy council considering, that James Hamilton of Aikenhead, Gabriel Hamilton of Westburn, Alexander Wardrop of Dalmarnock, Mr Hugh Corbet of Hargray, Patrick Hamilton of Neilsland, Mr Ninian Hill of Lambhill, Matthew Cumming in Glasgow, (what became of those not named here I cannot tell) being convened before the commissioners of privy council, at Glasgow, for keeping conventicles, and other things libelled against them, and the libel being referred to their oaths, they refused to depone, and were thereupon, by the sentence of the said lords, held as confest, and committed to prison; and now compearing, the lords modify their fines as follows. Aikenhead a thousand pounds Scots, Hargray a thousand merks, Lambhill a thousand merks, Westburn a thousand merks, Neils- 1676.

the way to ruin the royal burghs. I have overlooked the following expression in that proclamation, where upon a second view, it is plain the magistrates were to have no relief from the common stock of the town, as may be seen in the proclamation itself, pp. 318, 319. In some former proclamations and bonds, relief was indeed allowed them in this manner, and I have not observed the change here. It is probable I may, through inadvertency, have fallen into other escapes in my remarks on public papers, and, upon discovery, I shall cheerfully amend them. But since all the papers themselves are annexed as vouchers, I flatter myself, any error that has slipped in, can have no ill consequence.

1676. land three hundred pounds, Matthew Cumming two hundred pounds: and in regard Alexander Wardrop gave his oath, and confessed one house conventicle, he is fined in fifty merks; and the council ordain them all to lie in prison till they pay their fines." Those persons very quickly paid their fines, and were liberate, and got home after more than three months' imprisonment.

The committee of council likewise issued out orders to all sheriffs and their deputes, bailies of regalities, stewards of stewartries, and magistrates of burghs, to cite before them all who were delated by the conformable clergy, or should be complained of, and fine and imprison them, and return accounts of their diligence to the council. Those under-officers through the west, cited multitudes before them; but people finding they must give their oaths *super inquirendis* against themselves, did not compear, and so vast numbers every where were declared fugitives, and afterward intercommuned, and converse with them inhibited under the pains of rebellion. This put ministers, and others, who feared an oath, to terrible hardships; appear they durst not, and were forced to hide and wander where they best might; and in their hidings, upon the first notice of them, parties were ordered out to apprehend them, and the gift of their escheats was offered to any who would buy them. A volume might be filled with well attested accounts of signal and remarkable appearances of providence, in behalf of these confessors for the truth, this and the following years: their singular provision, their wonderful protections, and remarkable deliveries and outgates. They found the cross lined with love, and many friends were raised up to them in their distress, by their kind Lord and Master. Thus this severe persecution did not hinder them from preaching and hearing the gospel. In houses they were frequently surprised by the soldiers, and therefore they choosed the most retired places, woods, hills, and mosses, and had their watches set, to prevent their being surprised. Yea, this scattering of ministers and people turned to the spreading of the word of life. Ministers who before preached to a few in houses, now preached to multitudes in the fields, with much success, and the more preaching there was, the more love to the gospel increased. People could not but observe the curates as the springs of all this severity, and every day they were more disliked, and their meetings turned thinner. Presbyterian ministers preached upon the hazard of all that was dear to them in outwards, and people listened the more attentively to them; and even indifferent persons began to apprehend there was a reality in what they taught, when they ventured so much to do them service. In short, the gospel was costly and hazardous both to themselves and their preachers, and this made them prize it more, and improve it the better; and the Lord, by his presence, did very much sweeten outward difficulties. And this love unto, and following after the gospel in the persecuted ministers' hands, was increased from the observation of singular judgments now and then upon the persecutors. A collection of well attested accounts of those might be of good use, and instances are not wanting: yea, the relations now flying up and down, of the scandalous lives and erroneous doctrine of the bishops, and most of their underlings, did not a little recommend the attendance upon field meetings to such who had not opportunity to hear the indulged. Charity forbids me, without proof, to credit all that was talked upon this head; but so much of it was notour, as led too many to atheism, and downright contempt of all religion, and many of the better sort much to favour the persecuted party: so that notwithstanding all these hardships, conventicles continued, and the managers went on in their severities, which brings me back again to the accounts of their procedure; and to give all I have together that relates to these council commissions.

Upon the 5th of June, the council receive the reports from their commissioners, for trying of conventicles in Aberdeenshire, at Glasgow, and other places, and find the lady Polmaise in Stirlingshire, when before their commissioners, refusing to give her oath upon their interrogatories, but declaring upon her word of honour, that she was free

of what was laid to her charge, and remitted to them. I find nothing done upon it at this council meeting. The laird of Balgony and his lady, with the lady Kennet, for their noncompearance before the commissioners, are ordered to be denounced. Mr Hugh Campbell, for preaching at Muirkirk without presentation, is ordered to be cited before the council; but I hear no more about him. The magistrates of Glasgow are appointed to produce Mr Alexander Gordon, or his cautioners, for keeping a conventicle there. This is all I meet with concerning these committees of council, for trying of conventicles, ordered upon the 1st of March.

At that same diet of council, March 1st, the archbishop of St Andrews, the bishops of Edinburgh and Aberdeen, are ordained to call before them all the masters of universities and colleges through the kingdom, and inquire if all of them have taken the oaths of terms of allegiance and supremacy, in the II. and act 4th, sess. 2d, parl. 1st, Charles report. And orders are given for a strict inquiry through the country, (I suppose it was left to the particular council committees) whether all magistrates of burghs, and other inferior officers, had signed the declaration; and such as had not, are ordered to be prosecuted. I find, at this same time, the town of Perth is fined for conventicles; and in Glasgow and in other burghs, very strict search is made for conventicles and outed ministers, which was some way happy for them, since hereby they were obliged timously to retire, before the council committees came about. I do not find any (other) meeting of council, until April 26th, when they have a letter from the king, taking off the restraints from the bishop of Dumblane, and the rest formerly mentioned, which I shall notice in its own room. At this diet, the more to bear down conventicles, the council extend their act of April 1669, to the whole kingdom, and appoint this act to be printed, and being but short, I insert it here.

"*Act concerning keeping of conventicles, Edinburgh, April 26th*, 1676.

"The lords of his majesty's privy council, considering, that by a proclamation of the 8th of April, 1669, they, upon the considerations therein contained, 1676. did prohibit and discharge all heritors whatsomever, within the shires of Lanark, Ayr Renfrew, and stewartry of Kirkcudbright, to suffer or permit any conventicles or private meetings, upon pretext of, or for religious worship, to be kept within their houses, or the lands belonging to them; certifying them, if they shall contravene, that each heritor in whose bounds or lands any conventicle shall be kept, shall be fined in the sum of fifty pounds sterling, *toties quoties*. The said lords do hereby extend the former act and proclamation, to the whole shires of this kingdom; and do ordain all heritors to be liable to the fines above specified, in case any conventicle be kept on the ground of their lands, or in houses belonging to them: declaring always, that the heritors who shall be fined upon the account foresaid, shall have their relief off the persons present at these conventicles. And ordain these presents to be printed, and published at the market cross of Edinburgh, and other places needful, that none pretend ignorance.

"THO. HAY, cl. secr. concilii."

Reflections were made above upon the matter of this severe act, and now the frequency of conventicles, both in the north and east, put them upon extending it. It was a very plain ground for harassing of great numbers of gentlemen, abundantly loyal and peaceable, whom they could not otherwise reach; and it was easy for them to overlook themselves and their own friends, when conventicles, as frequently happened, were upon their ground. And the clause, allowing heritors relief off the persons present, was no advantage at all, but a perfect blind, to make the severity of the act to be overlooked; since it was but seldom any of the persons present were catched, the probation against them was difficult, and few of them who happened to be taken, had relief to give.

Next day, April 27th, the council meet, and order the lists of intercommuned persons, and such as were denounced and declared fugitives, to be transmitted to all the sheriffs and magistrates of burghs, that

1676. they may endeavour to apprehend them, if they come into the bounds under their jurisdiction. The same day, upon some informations laid before them they make the following appointment. "Whereas the privy council is informed, that there hath been a numerous conventicle lately held in the shire of Ayr at Coilumwood, in the laird of Coilfield's lands, at which Mr John Welsh, a declared traitor, preached; as also that Mr Alexander Ross heritor in Colmonel parish, keeps constantly conventicles in his own house of Dalrioch, and baptizes children; and Mr Robert Kennedy, who haunts the house of Knockdaw, and Mr John Cunningham curate to the late bishop of Galloway, who haunts in Glendnoch at Glenluce, do keep conventicles and commit other disorders: the lords appoint the earl of Dumfries, sheriff principal of Ayr, earl of Dundonald, lords Cochran and Ross, and Sir Thomas Wallace justice clerk, to try these disorders, and punish as they shall find cause." I find no more account of these matters.

Upon the 5th of June, when the council are approving the procedure of their committees, they find the process against the lairds of Nether-pollock, the laird of Torrence, and the laird of Daldowie, for keeping of conventicles, not brought to an issue, and they refer it to the committee for public affairs. Thither now many processes are referred, and it being but seldom their reports are insert in the registers, I can give no further account of them. This is the first time I find this committee mentioned in the registers under this name, and it was a very useful contrivance of the primate and his party, who now carry all before them, for engrossing the council power, which was at this time abundantly large, into the hands of a few, that so their oppressions and arbitrary proceedings might be the more speedily and successfully carried on. In the registers before this, I have observed no appointment for such a committee, nor any acquainting the king with this new method they were casting the public business into. I *imagine* they tried the method for some time, and finding it answering their designs, they wrote up for orders thereanent, and upon their getting them, they make a nomination, which I shall just now insert.

A letter from the king comes down, July 13th, which follows. "Whereas we, by our commission of council, May 11th, 1674, did appoint the quorum to be nine, and also did name the persons *sine quibus non*, reserving to ourselves a power to add, we do now add the archbishop of St Andrews, and Charles Maitland of Haltoun treasurer-depute."

Whether this committee for public affairs was at first made up of these *sine quibus non*, I know not: but upon the 20th of July, a new commission of council is sent down, and recorded in the registers, and therein the archbishop of St Andrews is appointed to preside in council when the chancellor is not present. We shall afterwards hear the occasion of this new nomination of council, upon the following section. And, the same day, I find an act and commission for public affairs. The lords of his majesty's privy council nominate and appoint, "The archbishops of St Andrews and Glasgow, lord privy seal, earls of Argyle, Mar, Murray, Linlithgow, Seaforth, Kinghorn, Dundonald, the lord Elphingston, the president, treasurer-depute, advocate, justice-clerk, lord Collington, or any three of them, to meet when and where they see fit, and take trial of conventicles, invasions of pulpits, what ministers preach at conventicles, and the ringleading heritors at them, who are guilty of resetting and intercommuning with rebels, and other disorders; with power to cite, apprehend, bring under bond, and give what orders they see good to the forces and sheriffs, and other magistrates, and to consider the condition of prisoners, and to do all things necessary to his majesty's service, and report to the council."—This is an extensive commission to three persons, and now prelacy was at the top of affairs, when the two archbishops, with any third creature of theirs they pleased to choose, had the whole of what for many years hath been the council's chief work, the persecution of presbyterians, the management of, and giving what orders they pleased to the army, sheriffs, and other magistrates, put into their hands. I do not say they exerced this power by themselves three, but this commission war-

ranted them so to do; and indeed they were easy, the most part named heartily went in with whatever they saw good to propose. Our liberties and religion were now at a low pass, when such powers and commissions are granted. And indeed for many years this committee of public affairs managed all the persecution, and whatever related to church and state, and when they saw good, reported to the council, after they had done what pleased them. When their reports are in the registers we shall meet with them, and when they saw good not to record them, their severities are buried. After this there is little or no more room for commissions of council, and committees with council powers which had been used for some years in the vacation. These, when they came to the country, and had information how matters stood, and having no ecclesiastics among them, generally speaking, were not so inclinable to severities: but now the primate, with two others in his chamber, may issue out orders as they find proper.

Perhaps it was by a motion from this powerful committee, that the council, August 3d, pass an act of intercommuning against several more ministers, and Mr James Kirkton upon the head of them, for the reason we shall hear of upon the next section. The form of such letters hath been already insert in the notes, and so it may suffice to give an abstract of these letters.

"Charles, &c. Forasmuch as, in July 1674, the underwritten persons were denounced and put to our horn, for not compearing personally before the lords of our council, July 16th, 1674, to have answered and underlien the law for convocating, and being present at field conventicles at Inveresk, Edmonstoun chapel, Wolmet, Colstorphin, Magdalene chapel, Borthwick, Kirkliston, Gladsmuir, Torwood, (and other places mentioned in the former letters,) and intruding into pulpits contrary to law, in manner at length specified in the principal complaint raised against them, viz. Messrs James Kirkton, Alexander Lennox, John Rae, David Hume, Edward Jamison, Robert Lockhart, John Welwood, John Weir, Andrew Donaldson, sometime in Dalgety, Thomas M'Gill, James Wedderburn in Coupar, Thomas Douglas, Francis Irvine, Alexander Bartram, and Alexander Wilson, as the letters of denunciation more fully bear: at the process of which horn the foresaid persons have lien ever since, taking no regard thereof, and are encouraged in their rebellion, by the reset, supply, and intercommuning of their friends and acquaintances, to the high contempt of our authority: wherefore we charge you to pass to the market crosses of Edinburgh, Haddington, &c. and other places needful, and charge all our lieges, that none of them presume to reset, supply, or intercommune with any of the foresaid persons, &c. in common form. Given under our signet, August 3d, 1676." 1676.

The same day the council renew their commission formerly granted, for repressing conventicles in the shires of the north, with a particular eye to Bamff. This was at so great distance, and the persons concerned so few, it was not worth while for the committee of public affairs to trouble themselves with it. At the same diet the council desire the two archbishops to signify to the bishops of their respective dioceses, that the privy council being desirous to reclaim any persons who of late have been declared fugitives, for not appearing before the council, anent conventicles, and other disorders of that nature, have resolved, that, upon their giving satisfaction to the minister of the parish where they are, for their orderly behaviour in time coming, and his certificate thereof, they shall be relaxed from the horn, and not be called in question for what is past; excepting such persons against whom letters of intercommuning have been directed, or whose escheats are fallen and gifted, and the gift declared on their continued and wilful contempt: and that if this offer be not accepted, the utmost rigour will be used; and that the bishops intimate the same in their respective bounds.

The managers and bishops had a great advantage against some, at least, of the suffering party, at this time. They could do things that seemed at first view favours to them, in the eyes of the most part who knew not how matters stood; and yet in the meanwhile they themselves well knew

1676. the sufferers would never come up to these seeming condescendences; neither could the view of things they had, permit them so to do: and so every way they had their design, not to offer any thing which would really take with these people, and yet to appear to be offering conditions, which to strangers would seem not unreasonable. Thus it was in the case before us. The same things that took the country people to conventicles, kept them from owning the incumbent, so far as to take a certificate from him of their good behaviour. And none of them were by this persecution convinced of any sin or evil in hearing the gospel dispensed by the outed ministers, and could not engage for their good behaviour in the curates' sense, as to the time to come: and so this specious act was nothing in effect, but a design to expose these poor people to obloquy, upon their refusal, and few or none of them I know of fell in with it.

Upon the same day, for the council now do a vast deal of things at one sederunt, having matters just made ready for their voting, by their committee of public affairs, they pass a decreet against a vast many in absence, for keeping conventicles. There are about forty or fifty of them in Fife; and, by another decreet, some thirty or forty more in Chirnside, and the country thereabout, were sentenced for the same faults. All of them were absent, and so the process short.—Little further offers as to the more general procedure of the council this year, unless it be, that upon December 9th, the town of Edinburgh is fined in fifty pounds sterling for a conventicle kept in it, and the magistrates allowed their relief as in former cases. Their procedure against particular persons will come in upon

SECT. II.

Of the sufferings and persecution of some particular persons, gentlemen, ministers, and others, this year 1676.

I SHALL not give myself or the reader the trouble nicely to class the sufferers this year, in their different stations and capacities; some of all the sorts mentioned in the title were brought to trouble, and I shall give them in the order of time, as far as I have it. February 10th, the council fine Durham of Largo in twelve hundred pounds Scots, for reset of Mr John Welsh; and he is fined in two thousand five hundred merks, for being at two conventicles where Mr Welsh preached. This is the second, if not the third time this gentleman hath been attacked, and fined. The same day swinging fines are laid upon several very worthy persons, for a house-conventicle in Edinburgh. Edward Gillespie is fined in two hundred pounds Scots, Robert Richardson in a hundred pounds Scots, colonel Ker in five hundred merks, lady Whitslaid in five hundred merks, Mrs Stuart, Mrs Stirling, and Mrs Hamilton, in a hundred pounds Scots apiece; but (without) prejudice expressly to the magistrates of Edinburgh whom they allow to fine them for their relief, notwithstanding the fine imposed by the council. An indifferent person would think it hard they are punished twice for one fault.

About the middle of June this year, there fell an attempt upon the reverend Mr James Kirkton, before the restoration minister at Merton, and since the revolution a most useful minister for a good many years in the city of Edinburgh, well known to this church. This affair kindled a great flame, and was the occasion of some very considerable changes. I shall give an account of the matter of fact, from a narrative left of it by himself, who could only give the account of some circumstances relative to it, and whose veracity I know will be depended upon; and then I shall subjoin what I meet with anent it in the council-records: and my account of this is the larger, because this incident hath been very falsely represented to the public in print.*

* This affair was detailed in a pamphlet addressed to the king, and entitled, "some particular matters of fact relating to the administration of affairs in Scotland, under the duke of Lauderdale, humbly offered to your majestie's consideration, in obedience to your royal commands." The author describes captain Carstairs, who acts so conspicuous a part in the narrative, as a person, "now well enough known to your majesty," and the reason of this, the reader will very soon perceive. Kirkton has given a very full

Mr Kirkton, about the time mentioned, one day walking in the street of Edinburgh about noon, was accosted very civilly by a young gentleman, (we shall afterward find him to be captain Carstairs), and another gentleman, and a lackey: he knew none of them, but came afterwards to know both to his cost. Carstairs desired to speak a word with Mr Kirkton; to which he answered, he would wait on him, suspecting no evil. When walking off towards the side of the street, he asked at the other, (James Scot of Tushilaw), who this young gentleman was, for he was perfectly a stranger to him: Scot answered him with silence and staring; and then Mr Kirkton found he was trepanned, and a prisoner. However, he was glad when they carried him to a private house, and not to the prison, which was near by. The place they brought him unto, was Carstairs' own chamber, an ugly dark hole, in one Robert Alexander, a messenger, his house. As soon as Carstairs got him into his chamber, he sent off Scot and his footman, probably to bring some more of their companions. When they were gone, Mr Kirkton asked what he meant to do with him. Carstairs answered, Sir, you owe me money. Mr Kirkton asked him, whom he took him to be, and told him, he owed him nothing. The other replied, Are you not John Wardlaw? Mr Kirkton said he was not, and ingenuously told him who he was. Then Carstairs said, If you be Mr Kirkton, I have nothing to say to you. Then Mr Kirkton asked him who he was. 1676. He returned, He was Scot of Erkiltoun, whom indeed he did pretty much resemble; yet Mr Kirkton knew not what to make of him, he spoke things so inconsistent. After they had been about half an hour together, Mr Kirkton began to imagine Carstairs wanted money, and was just beginning to make some insinuations that way, when that excellent gentleman, whom we shall meet with afterwards, Mr Robert Baillie of Jerviswood, a near relation of Kirkton's, Andrew Stevenson, and Patrick Johnston, merchants in Edinburgh, having got some information of Mr Kirkton's circumstances, and, with some difficulty having fallen upon the house, came to the door, and called to Carstairs to open, asking what he had to do with a man in a dark dungeon, all alone. Mr Kirkton knowing the voice of his friends, took heart, and got up, saying, There be honest gentlemen at your door, who will testify what I am, and that I am not John Wardlaw: open the door to them. That, says Carstairs, I will not, drawing his pocket-pistol; which Mr Kirkton perceiving, thought it high time to act for his own safety, and grasped Carstairs close in his arms: so mastering both his hands and the pistol, they struggled a while on the floor. The gentlemen without hearing the noise, one crying out murder, burst open the door, and parted them without the

and distinct account of this whole transaction in his history, p. 367—372. Who can read without the liveliest indignation, the sneering remarks of Kirkton's editor on Baillie of Jerviswood. "Baillie," says Fountainhall, "married a daughter of lord Warriston, which first rendered him hostile to government. He was hanged for treason on the 24th December 1684!" And this is all he says, of one of the noblest of Scotland's patriots, and who bled in the same glorious field with the Russels and the Sydneys of England; for correspondence with whom indeed he was condemned, says Fountainhall, after stating the fact of his having been executed within *five hours after the sentence was passed*; "he died regretted by many, and with much resolution." Decisions, vol. i. p. 327. But of this great man we shall say more afterwards.

Let us hear bishop Burnet on this shocking affair. "Before the next council day a warrant was signed by nine privy counsellors, but antedated, for the committing of Kirkton, and of six or seven more of their preachers.' Lord Athol told me, he was one of those who signed it, with that false date to it. So Baillie was cited before the council: Carstairs produced his warrant, which he pretended he had at the time that Kirkton was in his hands, but he did not think fit to show, since that would discover the names of others, against whom he was also to make use of it. Baillie brought his witnesses to prove his behaviour. But they would not so much as examine them. It was said, that upon Carstairs saying he had a warrant Kirkton was bound to go to jayl; and that, if it had been found that he was carried thither without a warrant, the jaylor would not have received him. Duke Hamilton, and lord Kincardin, were yet of the council. And they argued long against this way of proceeding, as more like a court of inquisition, than a legal government. Yet Baillie was fined £500, and condemn'd to a year's imprisonment. And upon this an occasion was taken to turn duke Hamilton and lord Kincardin out of the council, as enemies to the church, and as favourers of conventicles."—*Ed.*

1676. least violence to Carstairs, and as they and Mr Kirkton were going out, they met Scot and his companion returning.

Thus Mr Kirkton escaped, but the others inclined not to quit their game so, but resolved to turn their private violence to state service, and so go straight to Haltoun, and tell their own story, who presently calls the council, almost in time of dinner, as if all Edinburgh had been in arms to resist lawful authority. When the council got together, Haltoun tells the story, as the villains had represented it to him, that some of their public officers had catched a fanatic minister and that he was rescued by a numerous tumult of the people of Edinburgh. The council made a diligent inquiry into the matter, and could find nothing in it to fix upon. Mr Kirkton had taken care to inform his friends that it was a real robbery they designed, and a little money would have delivered him, if he and Carstairs had got leave to finish their communing. Jerviswood was brought before them, and gave them a very candid account, as above; and when the council had gone their utmost, they could find no more in it; and many of them were of opinion it were best to drop it. This bishop Sharp violently opposed, and alleged, if Carstairs were not supported and encouraged, and Jerviswood made an example, it was not to be expected any would ever prosecute fanatics, and insisted with such vehemence, that he got over the most part of the counsellors to a prosecution, and the advocate is ordered to form a libel against Jerviswood.

Next council-day, June 22nd, "The lords having considered the libel given in by his majesty's advocate against Mr Robert Bailie of Jerviswood, for his rescuing of Mr James Kirkton, and deforcing captain Carstairs, who had orders to apprehend Mr Kirkton, find the libel relevant, and proven, by the warrant produced by the captain, and that Jerviswood is guilty of an insolent riot and deforcement, and fine him in five hundred pounds sterling, and appoint him to lie in prison till he pay it." That day, I am told, the council were in a terrible rage, so that when severals of the inhabitants of Edinburgh had got in to see what the council would do in so odious a case, the question was stated, Whether all the people in the lobby should be imprisoned or not? They escaped confinement but by one vote. The council remit to the committee of public affairs, the examination of Andrew Stevenson and Patrick Johnston, who are delated, as being art and part with Jerviswood in the deforcement: and in July they are fined, Mr Stevenson in a thousand pounds Scots, and Mr Johnston in a thousand merks; and they were to continue in prison till payment.

This prosecution was mightily cried out upon. The reason given by the managers for this severity was, that Jerviswood and the others were guilty of resistance to lawful authority, because captain Carstairs was a commissioned officer, and had produced his commission for apprehending outed ministers, and suspect persons, at the council-board: but this reason could not satisfy impartial observers, who knew how matters stood. It was indeed true, that Carstairs, sometime before this, had a warrant to this purpose, granted him by the archbishop of St Andrews; but it was well known, that, I do not know from what cause, he burnt this warrant a month before this, in the earl of Kincardin's house, before severals, and produced no warrant to Jerviswood and the rest, when they rescued Mr Kirkton, neither once so much as pretended any such thing. And his production of a warrant before the council was afterwards found to be a trick and contrivance of the primate, which will be the more easily credited, when the reader comes to the case of Mr James Mitchell, and to observe his carriage in that matter. The thing stood thus: after the alleged riot was committed, and the first meeting of the council over, the archbishop found it convenient Carstairs should have a warrant to produce, and accordingly one was provided, and the date was taken care of, so as to answer the time of the fact's being committed. It was this Carstairs produced in face of council, so that really they went upon a base forgery. Further, it was reckoned a very odd step by onlookers, that a libel should be found sufficiently proven by the

single testimony of an infamous accuser, here likewise a party, against the declaration of three unquestionably creditable witnesses, and the examination of all the witnesses who were called in this process: but Sharp and Haltoun must have their will, and so the sentence passed, though reasons strong and many were offered against this illegal procedure, by several members. Notwithstanding of all these, the sentence as above was carried, and this worthy and pious gentleman, Jerviswood, continued about four months in close prison. I find him, August 3d, by order of council, sent from Edinburgh to Stirling Castle, under a guard. He paid three thousand merks of his fine to Carstairs, as a reward of his zeal against presbyterians, and because he was an active agent to the archbishop in his persecution. It was with no small difficulty this gentleman was at length liberate, and passed as to the rest of his fine, and not till the court, upon better information, had discovered some dislike at this unrighteous procedure. Some years afterward Jerviswood will come in again in this history, when he met yet with harsher treatment. Within two months, Mr Stevenson and Mr Johnson got out of prison, but not till Haltoun was presented with a piece of good wine, and a parcel of curious lace, and then justice was permitted to be done them.

In the meantime Mr Kirkton thought proper to try what he could do at court, and since the duchess of Lauderdale had not long ago professed very great kindness to him, he presumed to write to her grace, and sent up a true information of the affair, complaining heavily of the wrong done him and his friends. The information was indeed shown to the duke, who seemed mightily surprised at it, and owned he never met with two informations more different than his brother's and Mr Kirkton's. Within a little, by whom I shall not say, Mr Kirkton's letter and information were sent down to the council, to see what they could make of them for a new accusation. When Haltoun saw them, he foamed and raged, but it was not in his power to reach Mr Kirkton at this time; only Mr Kirkton, as we have heard, is put in the front of the letters of intercommuning in August this year.* This spark raised a great flame, and was followed with very considerable consequences. After the council had come to an issue, Haltoun despatched an account of this affair to his brother the duke of Lauderdale, and misrepresented all who had spoken any way favourably of Jerviswood, as if they had agreed to subvert lawful authority, and were in a combination against the king, and for the fanatics. A new nomination of council came down from court, as we have heard, and all who would not bow to Haltoun and the primate were left out, such as duke Hamilton, who had spoken much and freely against the act of fining Jerviswood and the others, the lord privy seal, the earl of Kincardine, formerly Lauderdale's great friend, the earl of Dundonald, and some others. The earl of Kincardine and some more went up to court, to show the king the truth of this matter, and it is said, used much plainness with his majesty, and lamented that Scotland was abused by my lord Haltoun's tyranny, under his brother's authority, who was always and in all cases supported by the king. But all was to no 1676.

* Mr Kirkton, author of the valuable History of the Church of Scotland, lately published from the original MS. by Mr Sharpe, and of which Mr Wodrow has made such frequent use in the compilation of his great work, was married to Grisel Baillie, sister of Baillie of Jerviswood, who suffered in 1684, and daughter of that Mr Baillie of Jerviswood who married one of the daughters of John Knox, by his second wife, Margaret Stewart, daughter of lord Ochiltree. By her the reformer had three daughters, who were all very young at his death in 1752. One of them was afterward married to Mr John Welsh, and the other to Mr Robert Pont of the West Church, and one of the senators of the college of justice; and the third to Mr Baillie. Mr Kirkton left two sons—one of them a captain in the navy, whose portrait is to be seen among the family pictures at Mellerstain—the other, Dr George Kirkton, a medical gentleman of great respectability in Edinburgh about a century ago, whose daughter Grisel, was, in 1720, married to Dr Hugh Baillie of Monkton, a cadet of the Lamington and Jerviswood families.—Robertson's Ayrshire Families, p. 28. I suspect that Mr Robertson is wrong in making Baillie of Jerviswood, who suffered in 1684, the *grandson* of the reformer. He must have been his *great*-grandson. See, however, M'Crie's Life of Knox, vol. ii. pp. 449, 450.—*Ed.*

1676. purpose, only Lauderdale and the earl, of the closest friends turned the most bitter enemies.

But to go forward to some other hardships presbyterians were under this year, I find from the registers, that the laird of Kersland is ordered by the council to be sent along with Jerviswood prisoner to Stirling Castle. After I had writ over what concerns the year 1669, when he was taken, a very distinct, though short account of the sufferings of this religious and knowing gentleman, the representative of a very ancient family, came to my hand, from a person of undoubted credit, who had opportunities of a full knowledge of them; and though it be a little late, it comes in well enough here. From the registers I have already hinted at some of his removes from one prison to another, and his last remove and liberation will follow. In this place I shall give the detail of his sufferings all together. We have heard of his unjust forfeiture after the defeat at Pentland, and the pretext that was made use of for this arbitrary step. When matters were going this way, Robert Ker of Kersland found it safest to retire from the storm, as many others did. The place he chose to live in was Utrecht, where he had the advantage of excellent conversation and hearing the gospel; there he continued near three years. His friends found it necessary he should come home as privately as might be, and settle his civil affairs, if possible. His lady came over about September or October 1669, and in a little time he followed her; but, to his great affliction, when he came to Edinburgh, found her in a fever. She lodged in a house the mistress whereof was a favourer of sufferers, and the persons intercommuned after Pentland, when they came to town, used sometimes to haunt there. Robert Cannon of Mardrogat, whose villany has been already remarked, had not yet thrown off the mask, but was making his peace, and seeking occasions to gratify the managers; at least his treachery was not yet known to his old companions at Pentland, and thus he sometimes was with some of them at that house. Kersland lodged not there, but in a more private place, and used to come in the evenings and wait on his sick lady. Cannon had occasion to observe this, and took care to get information given the chancellor; and an order was procured from Lauderdale, then in town, to apprehend Mr John Welsh, who was pretended to be keeping a conventicle in the lady Kersland's chamber, though there was no such thing, but the design was upon her husband. A lady of quality then with the commissioner, assured him the information was groundless, for she knew the lady Kersland was very ill. However, the warrant was granted, with express orders from his grace, that no disturbance should be given to the sick lady, if there was no conventicle in the house. Accordingly the party came to her lodgings, and finding no conventicle, the commanding officer was just retiring, after he had asked the lady Kersland pardon for troubling her in her present circumstances. But one of the party having particular information from Mardrogat, that when any company came into the room, Kersland, when there in the evenings, used to retire behind the bed, and that probably he would find him there; this person having a torch in his hand, provided, no doubt, by concert, said, he behoved to search the room, and stepped straight to the place where the gentleman stood concealed, and brought him out, charging him to render his arms. Kersland told he had no arms, but the Bible which he had in his hand, and there was enough there to condemn their methods. I am told this man's name was Murray, and in a few days he fell into distraction, and in his lucid intervals used to roar under the agony he was in for being the instrument in this matter.

Kersland was carried away prisoner, in the sight of his lady, who was at this time very low; yet at parting with him, being a woman of a great and excellent spirit, she discovered much calmness and composure, comforted him, and besought him to do nothing that might wound his conscience, out of regard to her and her children, repeating that place of scripture, "No man having put his hand to the plough, and looking back, is fit for the kingdom of God." He was straight carried to the guard, and thence to the Abbey, where a council, or

committee of it, was called that very night for his examination. When he came before them, and was questioned upon the lawfulness of the appearance at Pentland, he very plainly owned it as lawful, and what he thought duty. Upon this he was immediately imprisoned. When he was going away, the chancellor asked him what it was his lady said to him at parting, having got information from some of the party. He had really forgot the express words, being in a hurry, and answered, he did not exactly remember. The other told him he would refresh his memory, and said, she had exhorted him to cleave to the good old cause, and upbraided him and her, saying, "they were a sweet pack." He continued in Edinburgh prison about three months, and was thence sent to Dumbarton Castle, where he remained near a year and a half; then he was ordered to Aberdeen, where he was kept close prisoner in a cold room for three months in the winter season, and not allowed a fire. From Aberdeen he was brought south to Stirling castle, where he continued several years. Thence he was taken to the castle of Dumbarton a second time, and lay there till October 1677, at which time the council confined him to Irvine, within five miles of his own house at Kersland. He had some time allowed him to transport himself and his family, then at Glasgow, to Irvine. And about the end of October he came to his family at Glasgow, where he had visits from a good many of his friends and acquaintances. That same night, as he was convoying the lady Caldwell and her daughter, who had been to see him, to their lodgings, when returning home with Robert Hamilton of Airdrie, they were both apprehended by some of the king's lifeguard then at Glasgow, and taken off the street to the guard-house, and kept till next day. Major Cockburn, then the commanding officer, was willing to dismiss Kersland, but detained him till the archbishop's pleasure was known, who, as a counsellor, ordered Kersland immediately to be made close prisoner in the tolbooth.

The bishop took horse immediately for Edinburgh, and the lady Kersland followed as soon as possible, to prevent the misinformations he might give. 1676.

Meanwhile a dreadful fire broke out in Glasgow, and the tolbooth being in great hazard of being consumed with the flames, all the prisoners were taken out by the people of the town; and among them Kersland got his liberty, after he had been eight years prisoner. He was inclined to have offered himself again prisoner to the magistrates, after the hurry of the fire was over; but upon mature deliberation with his friends, and having received some information from his lady, of the archbishop's designs against him at Edinburgh, he resolved to retire, and absconded all that winter, and during the spring and summer following, where he kept company with the ministers that were persecuted, heard the gospel preached by them in the fields, and was present at the communions, particularly that at Maybole, of which we shall afterwards hear, until about August 1678, he returned to Utrecht his old retiring place, where he continued till the day of his death, November 14th, 1680. Robert Hamilton, who commanded at Bothwell, was then in Holland, and with him a little before he died. He saw good to commend him very much to his face, and pretended to assure him he would be spared, and be another Caleb. Kersland was very much offended, and told Mr Hamilton he looked on what he said as flattery, adding, "What is a man before the Lord, yea, what is a nation? as the drop of a bucket, as the smallest dust in the balance, and before him as nothing, yea, less than nothing and vanity; but this much I can humbly say, that through free grace I have endeavoured to keep the post that God hath set me at those fourteen years, and have not desired to lift one foot, till the Lord showed me where to set down the next." Those were among his last words, and in a few minutes he finished his course with joy, and fell asleep in Jesus, leaving a widow, and five children with her, in a strange land.*

* It may not be generally known, that precisely one hundred years before this, a distin-

1676. The same day, August 3d, Mr Alexander Forrester, who had been apprehended for keeping a conventicle, was by the council ordered to the Bass; and Mr William Erskine and the laird of Bedlane, prisoners in Stirling Castle, are ordered to be

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guished ancestor of Kersland was thus familiarly addressed by letter from James VI. "Capten Crawford,—I have heard sic report of your guid service done to me from the beginning of the wars against my enfriends, as I shall sum day remember the same, God willing, to your great contentment. In the meanquhyle be of guid comfort, and reserve you to that time with patience, being assured of my favour. Farewell, your guid friend,—James Rex. 15th September, 1575." (Crawford's Renfrew, p. 70.)—This Crawford was the person so celebrated in the history of Scotland, for his capture of Dunbarton Castle in 1571. He married Janet Ker, the heiress of Kersland. Robert Ker whose case is so fully noticed in the text, was his great great grandson. In addition to what is stated in the history, we may notice that there is preserved the draught of a petition to the privy council, in which the petitioner, after mentioning that he had been confined for five years in different prisons, says, "In the very coldest of this season, and in such a time when some of them were wrestling under heavy and sad sickness, others enduring pains of the stone-gravel, so excessive as cannot be expressed, were my thus pained children extruded out of the castle with all the rest, except one daughter, who with myself and tender wife, and one servant, were thrust up to another room, that is known to be intolerable for smoke and cold." The petition concludes with a request for "a change of imprisonment to Edinburgh Castle," with the view of having an operation performed on the child afflicted with the stone. The name of the petitioner has been carefully delated, but on a narrow inspection appears to be "Robert Ker of Kersland," prisoner in "the Castle of Stirling." The date, which has been altered, was originally 1675. In a note on the back of the petition, in a different handwriting, and apparently Kersland's, the petitioner signifies that after the draught was made, he hesitated as to its being his duty to present it, "being diffident of treating or tampering with these so dreadfully given up men." (MSS. in Adv. Lib. Jac. V. 2, 26, Art. 30.) A letter which appears to be written by the same person to Macward, is dated "from my closs prison at Stirling Castle, the 31st December, 1673." The writer says, "though I know not if Forbes (colonel Wallace) be there, yet about a week ago I wrote to him, which was my second. I wrote also to the good old provost." This was probably John Stewart of Ayr, so distinguished for his piety. Ker's widow was Barbara Montgomery. She appears to have been on the continent in 1679, as she is mentioned particularly in a letter of Mr Macward to Mr Brown, and published by Dr M'Crie in his Lives of Veitch and Bryson, &c. p. 502. The estate which had been in the possession of the family for more than 500 years, (Crawford, p. 71.) was given to general Drummond, in consequence of Kersland's attainder, but was recovered in 1690, in consequence of the revolution. In the letter prefixed to Kersland's Memoirs, the family is said to have been as well ancient as honourable, and chief of the great and numerous clan of the Kers, p. 111. For most of the above particulars, the reader is indebted to a note in Dr M'Crie's Lives of Veitch, &c. pp. 421, 422.

In addition to what is stated above, the following particulars as to the ancient family of Kersland, have been compiled from the account of the family in the second volume of Robertson's Ayrshire Families. Robert Ker the intrepid covenanter, died in Holland in 1680.—At the revolution in 1688, the forfeiture of his estate was rescinded, and the lands restored to Robert his son, who died without issue, and was succeeded by his brother Daniel. He was true to the cause of the presbyterians, and when "the honest people in the western shires" proposed to join in the earl of Angus' regiment, afterwards called the Cameronians, it was stipulated that the laird of Kersland should be major. (Faithful Contendings, p. 395.) He was killed at the unfortunate battle of Steinkirk in Holland, in 1692, at which King William commanded in person, and according to the testimony of John Ker in his Memoirs, "left behind him the reputation of a great soldier, a fine gentleman, and to crown all, a good Christian." He was not married, and the estate devolved on his sister Jean, who married major William Borthwick of Johnstonburn, and who in 1697, sold the estate to John Crawfurd of Fergushill, husband of her younger sister Anna, who upon this assumed the name, and title of John Ker of Kersland, and author of the "Memoirs." He was a man of intrigue and faction. During his life the greatest part of the estate was feued out, and the family lost much of its importance. In his absence abroad, his wife was reduced to poverty, and obliged to sell her jewels and part of the furniture for support. He died in 1720, and at his death the estate was sold to liquidate his debt. He left three daughters, Elizabeth—married to John Campbell of Ellengreig in Argyleshire—and Ann and Jean, who were never married. Since that period the lands of Kersland have belonged to different proprietors. In 1801, the superiority of the feus in the barony of Kersland was bought by John Smith, Esq. of Swinridgemuir, the present proprietor. The house of Kersland is situated at the bottom of a bank on the left side of the Garnock water, about one mile and a half north-east from Dalry.—The Rev. Thomas Linning of Lesmahagoe, one of the most eminent clergymen of his day, and an able defender of the rights and privileges of the church, was married to a daughter of Robert Ker the covenanter. He died in 1733, and his wife in 1739. They are now (1828) represented by their grandson, Michael Linning, Esq. W.S. Edinburgh.—The account of "Kersland" in "Robertson's Ayrshire Families," vol. ii. was contributed by a very accurate inquirer into the history and antiquities of his country, James Dobie, Esq. Beith.—*Ed.*

transported to Dumbarton, probably to make room for Jerviswood and Kersland. Bedlane, as far as I can guess, hath continued under confinement those ten years; the other was a worthy presbyterian minister, of whom I may give some account elsewhere. —Mr Robert Steedman, minister at Carriden near Linlithgow, Mr George Haliburton, and Mr James Duncan, at the same time are ordered to be denounced for keeping of conventicles. Mr Haliburton was minister at Aberdalgie, and Mr James Duncan was in Balhousie's family, where we heard of him before. Further, at the same diet, Alexander Gordon of Knockbreck, Henry M'Culloch of Barnholm, ——— Hay of Arrowland, the old lady Monteith, Robert M'Clellan of Barmagachan, Patrick Vance of Drumblair, all of them in Galloway, are by the council ordered to be denounced for alleged harbour, reset, and supply of intercommuned persons, and having correspondence with some who had been denounced. The probation was easy, since upon noncompearance they were held as confest. Thomas Blackwell and some other persons in Glasgow, were likewise at this same time denounced; and Douglas of Cavers was cited to have compeared to underlie the law, for keeping Mr James Osburn, as his chaplain, without the bishop's license, and upon noncompearance, both the lairds of Cavers, and Mr Osburn, are denounced and put to the horn. This hath been a busy sederunt.

Upon the 6th of September, I find Robert Andrew in Culross fined in fifty pounds sterling for keeping conventicles, which was as much as the whole town would have been fined in. These particular instances are endless, and it is only some few of them I give from the registers.

I come forward here to give a larger account of the sufferings of the reverend Mr John M'Gilligen this year. I find, October 11th, the council is informed, that he is apprehended in Murray, and they order him to be brought south to Edinburgh tolbooth. It will not be unacceptable to the reader, to have some account of this worthy man and his sufferings, which I shall do from some remaining papers of his own, copies whereof are now in mine eye.

Mr John M'Gilligen of Alness, before the restoration was minister at Foddertie in the synod of Ross, and by the 1st and 3d acts of session 2d parl. 1st, Char. II. was forced to leave his charge there. The patron indeed made him an offer of a presentation; but as he himself hath left it under his hand, "He reckoned the acceptance of that, a destroying the foundation which God had laid in his church, to the maintenance of which he was bound by solemn oath." And although he had quit his charge, this did not satisfy the spite of the prelates against him. Bishop Paterson of Ross cited him to compear before his diocesan meeting, 1663, and upon his noncompearing passed a sentence of deposition against him, upon these reasons; "His absenting himself from the diocesan meeting, his not answering the citation to appear before him when called, and his preaching, praying, and reasoning against prelatical government:" and caused intimate this sentence in the kirk of Foddertie, the last day of May, 1663. 1676.

From Foddertie he came and dwelt at his own house in Alness, where now and then he preached, and up and down that country, when there was any access, and had many seals of his ministry; and the sensible measures of his Master's presence he enjoyed, made all his outward hardships and harassings for many years very easy to him. He was many times wonderfully hid from the secular arm; and the bishop threatened to excommunicate him: when a friend of his acquainted him with this, he answered with his ordinary composure, that he had already heard that Balaam had designed to curse him, but did not question it would end like Shimei his cursing David. The prelate and his underlings finding their highest sentence would be disregarded, and that their persons were already despised in the country, quit this project.

Last year we heard of the pleasant communion he kept at Obsdale, after he was intercommuned at Edinburgh. Upon the back of it he was obliged to abscond for some time, to escape the prelates' rage. This year 1676, his dear brother Mr Hugh

1676. Anderson, called him to baptize a child of his, and he stayed at his house all night thereafter. That night he was trysted with an odd enough passage, which he could not but remark: when he fell asleep he dreamed that there were three men come to the house to apprehend him; he was no observer of dreams, and therefore when he awakened he endeavoured to be freed of the thoughts of what he had been dreaming, and composed himself to sleep; and upon his falling asleep he dreamed it a second time, and awoke; and again, after he essayed to banish the thoughts of it, and falling asleep again, he dreamed it a third time. This awakened him with some concern, and he began to apprehend there might be more than ordinary in it, and fell under the impressions that bonds and imprisonment were abiding him, and arose to compose himself by committing his case to the Lord. He had scarce got up, and was but putting on his clothes, when early in the morning George Mackenzie, Hugh Bogie, and another, servants to the earl of Seaforth, were come to Mr Anderson's house to seize him. This surprised him very much, as what he did not at all expect from the earl, and besides was illegal, for the earl had no power in the shire of Cromarty, where Mr M'Gilligen now was, being only sheriff of the shire of Ross: but afterwards he found that he was instigate by bishop Paterson, afterwards archbishop of Glasgow; and this fact did very much trouble the earl's mind some time after, as he signified to severals. The party who apprehended Mr M'Gilligen carried him to Fortrose, where he was for some time in prison. He hath left in his diary the copy of a speech he had to the provost of Fortrose, to whom the orders were sent to receive him into custody, which deserves a room here.

"My lord, I look upon it as a special piece of the providence of Him whose eyes look to and fro through the earth, proving himself mighty in behalf of them who fear him, that he hath ordered my lot to fall in your hands, endued with so much discerning, and who is no stranger in our Israel, but, on the contrary, well acquainted with the controversies of the times, and the cause for which I am apprehended.

"I bless the most High, whose I am, and whom I desire to serve in the gospel of his Son, so far as I can search into myself, I find no evil in my heart, nor iniquity in my hands, against his majesty's person or authority, whom I own, and to whom I submit in the Lord. In testimony whereof, I have given (in so far as could consist with my duty to the Lord, and the light and peace of my own conscience,) a submission unto and observation of his laws: but for abjured prelacy, and perjured prelates, that stem and those twigs which the Father's right hand hath never planted nor watered, being a seed which the evil one hath sown, while the servants were asleep, and hath produced so much of sin and suffering in this land, I look on myself as obliged before the Lord to refuse, oppose, and bear testimony against it; not only by a *subjective* obligation, from the day I lifted up my hand, and sware to the most high God to endeavour in my station and place the extirpation and eradication of that cursed root of bitterness; but also by a moral *objective* obligation from the word of God, which knows none of those creatures, but hath sufficiently reproved them, and rebuked the spirit of antichrist, when it made its first appearance in the world, sounding out of the mouths of the disciples, 'Which shall be greatest in the kingdom of God.' The apostles being convinced of, and humbled for their sinful ambition, opposed the same spirit, making its next illustrious appearances in the world, Diotrephes is condemned for affecting the preeminence. For this testimony I am willing to go to prison, and be judged at Cæsar's tribunal."

From Fortrose he was sent to the shire of Nairn, where being prisoner some time, Sir Hugh Campbell of Calder, sheriff of that shire, showed him much civility. When his accusers heard of this, he quickly after had orders sent him to come into Edinburgh tolbooth, at the time above mentioned, and after his lying some time there, he was sent prisoner to the Bass. In the Bass at first he, with some other worthy ministers, was imprisoned pretty much at large, but shortly

after so closely, that he was not allowed a servant to make his bed or meat, but he must do all these servile offices himself. Meanwhile, he leaves it on record, that the upper springs flowed liberally and sweetly, when the nether springs were imbittered: and he had the experience of that, *Tanta est dulcedo cœlestis gaudii, ut si una guttula defluceret in infernum, totam amaritudinem inferni absorberet.* And from the sense of this proceeded that memorable expression of his, left under his hand, "Since I was a prisoner I dwelt at ease, and lived securely." Indeed his papers evidence, that, while in the Bass, he triumphed in tribulation. When under this restraint, my lord M'Leod coming from his travels went to see the Bass, and procured some more liberty to Mr M'Gilligen from the governor, so that at some times he was permitted to come out upon the rock. However, it was here he contracted that bitter gravel, which at length carried him off. In the year 1679, as we shall hear, he, with several others, were brought into the tolbooth of Edinburgh, and liberate on bail; and Sir Hugh Campbell of Calder was surety for him and some others, whom we shall again meet with in the year 1682, till which time I leave him.

To return to the council's procedure against others at this time; upon the 12th of October, Mr William Bell appears before them, for preaching to a field-conventicle near Pentland-hills; and Robert Dick, whom they alleged had been very active in convocating people to it; both are sent to the Bass.

Upon November 1st, Mr Patrick Hamilton, not long since licensed by presbyterian ministers, brother to the laird of Halcraig, afterwards lord of session since the revolution, preached privately in a house of one of his relations at Edinburgh. The council getting notice of this, cite before them upon the 6th, the following persons, and fine them as follows: Mary Hepburn, lady Saltcoats, in two hundred pounds, Mrs Mary Liddington, her daughter, in two hundred merks, for being present at that sermon. And further, they send Mary Haldane, relict of Mr John Guthrie, minister at Tarbolton, and Bessie Muir, relict of Mr Alexander Dunlop, minister of the gospel at Paisley,* to the tolbooth, until 1676. they shall find caution under a thousand merks, each to remove from the town of Edinburgh, and six miles round it. All of these religious gentlewomen refused to give their oaths, and were holden as confest. At the same diet Mr Andrew Kennedy of Clowburn, of whom before, who had been catched, and lien some time in prison, is liberate upon bond of ten thousand merks to appear when called. Nothing criminal could be proven against him, after all the noise the managers had made formerly about him.

By an information from the archbishop of Glasgow, James Dunlop of Houshil, in the shire of Renfrew, is cited in before the council upon the 30th of November, and is fined in a thousand merks, for neglect of his duty, as bailie-depute of the regality of Glasgow, in suppressing some field-conventicles at Woodside, Partick, and other places within that jurisdiction this summer, and declared incapable any more to act as bailie of that regality. No maleadministration could be laid to his charge, but only he could not allow himself to be so violent in prosecuting people for hearing the gospel, as the bishop

* Bessy or Elizabeth Muir was the daughter of William Muir of Glanderston, a very ancient branch of the family of Mure in Renfrewshire, and now represented by the house of Caldwell, to which estate the nephew of "Bessy Muir" succeeded. Her sister Janet was married to Mr John Carstaires, minister of the High Church of Glasgow, and father of the celebrated principal of the name. Margaret, a third sister, was married first to Mr Zachary Boyd, and afterwards to Mr James Durham of Glasgow, who succeeded Mr Ramsay in 1651 in the inner High Church, having his brother-in-law, Mr Carstaires, for his colleague. Mr Alexander Dunlop of Paisley is particularly noticed by Mr Livingston in his "Characteristics," as a person of singular learning and piety, and peculiarly qualified "to have been a professor of divinity." Of his sufferings in the cause of truth we have already had some interesting information in the first volume of this work. He died in 1667. His son was principal of the College of Glasgow; and his grandson (son of the principal,) was professor of church history in the university of Edinburgh, who died at the early age of 22; and whose "Sermons and Lectures" in 2 vols. 12mo. furnish an eminent illustration of the talent and piety of their author. The present representative (1828) of this distinguished family, is Alexander Dunlop, Esq. of Keppoch, in the county of Dumbarton.—*Ed.*

and his clergy would have him. 1676. And, to end this section, December 7th, I find the council pass a decreet against Mr John Law, late minister at Campsie, of whom before. He is libelled for keeping conventicles at Campsie, Badernock, Kilpatrick, Kippen, and other places, since June 1674, and for invading several pulpits, and presuming to ordain and appoint several persons to the office and work of the ministry, and having given them mission for that effect. Being called and not compearing, he is ordered to be denounced, and put to the horn. The sufferings of some other particular persons this year, of which I have not the dates, may come in upon

SECT. III.

Of the circumstances of the indulged, and some other incidental matter, this year, 1676.

THE clamour made in the entry of this year, by the episcopal clergy, against the indulged presbyterian ministers, by breaking their confinement, and the rules formerly given them, produced a new proclamation, dated March 1st. This proclamation I need not insert, but in as far as it differs from that before set down, September 3d, 1672. And I shall only remark, that the first four rules there set down without any change, are of new laid upon the ministers; and the two last anent their waiting on diocesan meetings, and paying the dues to the clerk and bursar of the diocesan synod, are omitted; and then follows: "And whereas it is informed, that the said outed ministers, indulged as aforesaid (at least many of them), have violated and contravened the foresaid orders and instructions, (upon which terms they were permitted and indulged to preach, and exercise the other functions of the ministry), whereby many disorders are occasioned; the said lords do therefore of new again require and command all these indulged ministers, to keep and observe the foresaid orders and instructions in time coming, and especially for keeping within the bounds of their own parishes; and celebrating the communion upon one and the same Lord's day, as they will be answerable at their peril; and ordain these presents to be printed, and copies thereof to be sent to the several ministers."

This same day I find in the registers, that the council "discharge the nonconform ministers to admit any of the ministers not licensed by law, to their communions or pulpits; and if they disobey, they appoint the bishop of the diocese to depose them." This seems to strike against the agreement among presbyterian ministers, to preach one with other, indulged and not indulged.

Wanting documents to let me into the springs of this proclamation, at first sight I imagined, that, considering the two last rules, formerly insisted upon, were left out, it might have been designed as a favour to the indulged ministers, and a new edition of the rules, with the omission of the two last, anent which some of them were troubled, and horning got out: but when I consider the additional order in the registers, anent their admitting none of their brethren to join with them, and the clause ("upon which terms they were permitted and indulged to preach and exercise the other functions of the ministry,") I begin to imagine this proclamation to be designed to break presbyterians among themselves, and to blow the sparks that were beginning to kindle among us, and in a year or two broke out very sadly. I find some of these worthy ministers much troubled at this clause, and have in mine eye the draught of a representation of one of them, which sets this matter in a very fair light, and deserves a room here. Whether it was ever given in to the council I know not, but I do not question it was the common sentiments of many of them.

"*Unto the most honourable lords of his majesty's privy council, the humble representation and supplication of Mr Thomas Wylie, minister for the present at Fenwick, occasioned by their lordships' act, March 1st,* 1676.

"Most honourable,

"I would most willingly have forborne this address, if not constrained thereto by your lordships' late act anent the indulged ministers. If the rules contained in the act had by

order come to my hand, it was always upon my spirit to have freely and ingenuously represented my thoughts upon them. This being the first opportunity offered, I humbly beg, for the clearing of my practice, and exoneration of my conscience, liberty to unfold my mind a little in all sobriety in this matter to your lordships.

"The act, September 3d, 1672, in its complex contrivance, with the other two of the same date, were not a little grievous to many, and to me: yet considering that it is the magistrate's duty, not only to permit and allow, but, in case of neglect, to command the preaching of the gospel; and looking upon these rules in the second act as enjoined *sub pœna*, I resolved (having an invitation from the people) thankfully to accept of the permission and allowance, and to answer when challenged for every breach of the rules, which I ever looked upon as orders, and not as terms, or considerations upon which we are permitted to preach; neither can I look upon them, or any thing in the first contrivance as such; for 'terms upon which,' &c. import a compact betwixt the giver and receiver, but in this matter I know of no such thing. Next, the permission or allowance is tendered in the first act by way of free favour, not requiring a formal free acceptance for completing of its grant, but leaving the favour to be made use of or not, by the persons concerned, in their own option; so that it does not stipulate the accepter's consent to any condition whatsomever.

"And as to the rules enjoined in the second act, your lordships did neither require a formal and consentient acceptance, nor did your lordships on your grant restipulate the observance of any of these rules, but only enjoined them with that fairest of certifications, 'as these concerned will be answerable:' so that it is very manifest there is nothing in all these acts, so much as intimating that your lordships intended any consent or obligation by way of condition, from the receivers of your offer; but that your lordships contented yourselves with the intimation of your pleasure, with certification; hence judging the offer materially good, and a partial restitution of these desirable things, we have been and are deprived of, and the accepters, of which I am one, in a capacity through the Lord's assistance, either to give a satisfying reason, or if not received (which yet I am confident your lordships will not reject) to suffer with a good conscience for the neglect of the rules. I choosed to make use of the offer which I judged improvable to the advancement of the gospel, finding nothing in the narrative or body of the second act containing the rules, so much as hinting at 'terms upon which:' and finding in the last act a peremptory order and command given to the sheriffs and other magistrates, to inquire how the ministers confined in their several jurisdictions, do observe the rules prescribed to them (not 'the terms upon which,' &c. required of them), and to report to the council thereanent once every six months; certainly if they had been proposed to, and accepted by the ministers, as terms and conditions, I am confident your lordships' charity would have trusted the performance for one half year at least, to the ministers their fidelity. I beg liberty only to add, that in my humble opinion, it is contrary to the nature of an indulgence, properly so called, to require by way of condition from the parties indulged, the performance of such things as cross their principles, judgment, and conscience; for the nature and end of an indulgence, is to ease the party indulged as to these: neither can it be expected, that an indulged party can yield to any conditions that thwart with their consciences, principles, and judgment, as in the present case these rules do; which I am ready and willing to make out, if your lordships allow me. 1676.

"My lords, your lordships' offer being free, the acceptance arbitrary, the rules not enjoined as conditions, but commands *sub pœna*, and the resolution of ministers as to them being either to give a satisfying reason, or suffer with a good conscience for neglecting them as said is; upon these grounds, I and others have been in readiness hitherto to answer every one convincingly, who either out of malice were apt to reproach, or out of scruple to stumble at the least use making of the allowance, as if we thereby had in-

1676. volved ourselves in complying with and approbation of prelacy, Erastianism, the supremacy in its full extent or latitude, and consequently in a constructive approbation of all the alterations in the church, that have been carried on these years bygone; and also of evacuating the intrinsic power of government belonging to the church, as a society erected by Christ, and granted to her by his express gift: which things to approve were contrary to the known principles of presbyterians.

"But now it being your lordships' pleasure to impose rules upon us, 'as terms upon which' we are permitted and indulged, &c. I confess I cannot answer what may be objected of that kind, or nullify the inferences. Though I have been very silent in those matters, and do not deny to the king's majesty his just power about matters ecclesiastical, allowed him by the word of God, and practised by the godly reforming kings of Judah; yet I dare not, because of the awe of God upon me, do any thing as my own proper fact and deed, that will involve me in such approbations and compliances, contrary to my conscience, such as 'the acceptance of the rules,' under the notion of 'terms upon which,' &c. or the observance of them imposed as orders would do.

"Having in the simplicity of my heart, and, I dare say, as before the Lord, with loyal affection to his majesty, and all due respect to your honours, thus unfolded my mind to your lordships, my humble supplication is,

"That as I hold my ministry of Jesus Christ allenarly, and am to be accountable to him for all my ministerial administrations; so I may, through his majesty's goodness and patrociny, and your lordships' favour, enjoy the free exercise thereof, according to the word of God, with the reservation of my principles, and the liberty of my judgment. And particularly, I humbly supplicate, that every thing in those rules, and every thing else in the complex contrivance, that clogs his majesty's and your lordships' favour, and is known to be contrary to the presbyterian principles and judgment, and grievous to their minds and consciences, may be laid aside, and not imposed upon your lordships' humble supplicant; and your petitioner shall ever pray," &c.

Joined with the former representation, I find another paper, drawn up by the same reverend and learned person, to have been presented, if required, with the former, which contains short and solid reasons, why presbyterian ministers could not, in their practice, fall in with the rules commanded by the council. This being a material apology for their sufferings; now and afterwards, upon this score, and what may discover the grounds upon which they ventured all along to refuse compliance in these things, it appears not improper to insert the paper in this place, from the original.

"*A few sober thoughts upon the six rules enjoined to be observed by indulged ministers, humbly offered to the most honourable the lords of his majesty's privy council, as reasons why Mr Thomas Wylie, minister for the present at Fenwick, cannot observe the same.*

"The first rule* will deprive honest parents of the presbyterian persuasion, (being in the parishes of conformists, and not clear to receive ordinances from them,) of the benefit of baptism to their children: for the parent being under an insuperable scruple, dare not, with a doubting conscience, go to the conformist for that benefit; in which case, if the conformist be not of a condescending nature, it cannot be expected that the parent will obtain a certificate of him, to get the benefit elsewhere; which will inevitably occasion straitening to nonconformist ministers. When in this case, parents, to their certain knowledge, faithful, knowing, honest Christians walking blamelessly, shall request and obtest them for the benefit, what shall the noncomformist ministers do? How shall he be answerable to Jesus Christ, who hath given him a commission to disciple and baptize, if he shall refuse baptism to such an one, of whom he can say, in the judgment of charity, he is a real disciple? Supposing there were some weakness in such, in refusing to take the ordinances off conformists'

* See the rules, Note, p. 205.

hands, yet it were a hard measure to debar them of ordinances elsewhere; and the readiest way imaginable, through the policy of Satan (whose devices ministers should guard against), to drive tender scrupling Christians upon the precipices of a 'total separation,' of anabaptism, quakerism, and the like.

"The second rule, 'That all in one and the same diocese, should have the communion in one and the same day,' is impracticable, as will easily appear to any who will consider the different bounds, numbers of people, employments, &c. of the respective congregations, in one and the same diocese. Often in one and the same congregation, emergent occasions have put the minister and eldership to change their ordinary time. Sure it were very prejudicial to the people, to astrict all in one and the same diocese, to go about that solemn work in the same day; neither can there be so *competent* judges, to determine when the communion should be celebrated in this or that particular congregation, as the faithful ministers and eldership thereof, who are to take an account of the people's knowledge, an inspection of their conversation, to consider of their preparation for such a work, and who know best the occupations and employments of their respective parishes, and so can most seasonably pitch upon such times for that solemn ordinance, as will be freest of distraction to the people, and least impede their civil employments. Next, it is impossible for old, sickly, infirm men, to discharge all the exercises requisite, when that ordinance is gone about, without help; and how shall it be had, if all are astricted to one day? Beside, if any minister alone at the work, should in providence be overtaken with sickness, which is caseable to the youngest and strongest, would it not be a heavy disappointment, if there should be none to take the work off his hand? And this restriction to one day will deprive many of the Lord's people, to the saddening of their hearts, of the more frequent opportunities of this solemn ordinance, in which the Lord hath often dealt bountifully with their souls, convincing, converting, confirming, comforting, and building them up upon Christ. Though ministers should be silent in this matter, yet many thousands in the land will put their seal to it, that they have seen, observed, and felt the outgoings of the Lord, most powerful, glorious, and stately in his sanctuary, when his faithful servants and people have been attending duly in this great ordinance. As to the discharge to admit any belonging to other parishes, without testificates, to the communion, the faithful ministers of Jesus Christ have their directions from their Master, to separate the 'precious from the vile,' and it is to be supposed they will be faithful in obeying his orders, both by calling for testificates, and using all other means of trial: but to debar a knowing godly person, who cannot get a testificate from a conformist, were too hard a measure, as said is. 1676.

"The third rule, 'That there be no preaching without the church,' is prejudicial to the benefit of souls, will inevitably occasion much throng, confusion and disorder within the church, in the time of the solemn work, and much vaging upon, and profaning of the Lord's day without the kirk; for there are few or no places wherein the kirk will not be thronged in a communion day, with the people of their own congregation: so to deny the liberty of preaching without, in some convenient place, will occasion many inconveniences.

"The fourth rule relates to the sentence of confinement. Albeit I forbear to speak against the confinement, knowing that all civil punishment is in the power of the magistrate; yet may I not, in all humility, say it is hard enough that honest men, living peaceably should, *indicta causa*, be sentenced as evil-doers: this is apt in itself to weaken our ministerial authority among the profane. Next, it deprives us of one of the greatest comforts of this life, viz. mutual converse for mutual edification, and strengthening one another's hands in the work of the Lord. And it cannot but be grievous that the keys of our prison-doors are hung at the bishop's belt, and at his only. Were it not that I dare not tempt your lordships' patience, I could here instance many supposable cases, which render the observing of this rule impossible, and would show our complaint as

1676. *to it, to be so grievous*, that it is better to refrain than speak: only I may say without offence, it cannot be unknown to your lordships, how unpleasant it will be to presbyterian ministers, to court the bishop, to be obliged to him for favours, to be giving him an account of their affairs, and how unwilling they will be to have any intermeddling with him, lest they be in hazard either to provoke or be ensnared.

"The fifth rule thrusts the presbyterians under a direct and formal subjection and subordination to prelacy, contrary to their known principle and judgment.

"The last rule fetters them under a sort of vassalage and subserviency to the bishop. But your lordships having past these two in your last act, I shall say no more of them.

"The Lord pour out the spirit of righteous judgment upon your lordships, in the fear of the Lord."

It was for such causes as these, that the indulged, during the whole time of their liberty to preach, could not keep these commands, and could never allow them to be the conditions of the exercise of their ministry; and as they had occasion, disclaimed them, and both practically and otherwise testified against them; and till sometime after this, the bishops could not prevail to get many prosecutions raised against them on this account.

The leaving out of the two last rules in this proclamation, if I mistake not, helped to put an end to the trouble of such of them as scrupled to pay the dues of the clerk and bursar of the diocesan synod. I took notice above, that upon the trouble given them this way, last year, and the former, they, for want of concert among themselves, had fallen into different practices. All the indulged in the synod of Glasgow and Ayr, as far as I can find, went into the payment, except these underwritten. Fairfoul the clerk had got out a horning against them, and by an original letter of his, June 1st this year, warns them he is just going to distress them: whereupon I find they supplicate the council as follows, which I give from an original copy, only I omit the names of the parishes, being above, for shortness.

"*To the right honourable the lords of his majesty's privy council, the supplication of the ministers of the gospel underwritten, viz. Messrs Anthony Schaw, Alexander Wedderburn, Ralph Roger, George Ramsay, John Spalding, John Bell, Robert Boyd, John Wallace, Robert Bell, William Tillidaff, William Maitland, Andrew Hutchison, Thomas Wylie, and Gabriel Cuningham, humbly sheweth,*

"That where there are letters of horning raised and direct against us, at the instance of one Ludovick Fairfoul, pretending himself to be clerk to the synod of Glasgow, to make payment to him of our alleged respective proportions, of the ordinary fees alleged due to him as clerk to the foresaid synod, of all years and terms resting unpaid, and in time to come, during his service thereat, as formerly: and siklike, at the instance of one Mr David Clunie, pretending himself a bursar within the diocese of Glasgow, to make payment to him of certain sums of his bursary-dues, of all years and terms bygone alleged resting, and in time coming as formerly; and many of your petitioners are already charged by virtue of the said hornings, and all of us threatened to be denoun ced, and caption to be taken out against us.

"And seeing it pleased the king's majesty, by your lordships' advice, to indulge your petitioners, and exeme us from being concerned in either presbyteries or synods; and that the foresaid pretended clerk of the synod of Glasgow, is no ways concerned in the affairs of the respective congregations to the which we are indulged; and that your petitioners are most humbly confident, that it is not either the king's majesty's inclination or the intention of your lordships, to suffer us to be imposed upon in these things, which by themselves or their consequences would infer our concessions to these things, whereto with freedom of conscience we cannot concede; and seeing these legal distresses have a direct tendency to impose upon us, contrary to the indulgence, which his majesty, with your lordships' advice, out of his princely clemency, hath been pleased to vouchsafe upon us.

"May it therefore please your lordships to discharge the foresaid persons to trouble

your petitioners any further, by these hornings, or other legal distresses, for the payment of any such pretended dues; and that in time coming we be no more troubled by any persons with any matters of the like nature; and your lordships' answer," &c.

To this supplication I find nothing by way of answer recorded; but after this year this matter seems to have been dropt, when it had been not a little troublesome to the indulged ministers; at least I find no more in any papers I have seen about it. No more offers to me this year with relation to them; only some young preachers come to the borders of some of their parishes, and preach on Lord's days: and this I find some of them regretting, as what might in the issue tend to rent and distract people, and what there was no occasion for, since they daily preached themselves. We may hear more of this in the succeeding years.

I come now to take notice of some few other things remarkable this year. I find two or three riots complained of before the council. The reasons of these attempts upon the incumbents in churches, when they were not merely from thieves and housebreakers, have been accounted for already, and I shall only set down matter of fact here, as it comes to my hand. Mr Henry Knox, episcopal minister at Dunscore, represents, upon the 6th of January, to the council, that, upon the 28th of December, some six or seven persons attacked his house, beat himself and his wife, and took away his household furniture at pleasure. And, upon the 27th of January, another riot upon himself and family is complained of, by the minister of Gargunnock. Letters are issued out citing the heritors of both these parishes to compear, and upon February 10th, the council fine the heritors of Dunscore in five thousand merks, to be paid to their minister Mr Knox, for the injury done him; and the heritors of Gargunnock in six thousand merks. It would have been enriching to these ministers, if they had been attacked once a year at this rate. In August this year, I find the council, upon a complaint of Mr George Baptie, minister of Abbotrule, for a riot committed upon his person, issue out letters against the persons concerned. No more about it is in the registers.

In February the managers committed a piece of great severity upon some prisoners in Stirling tolbooth. Toward the end of the year 1674, fifteen men were catched at a conventicle, and imprisoned in Stirling. One way or other eight of them, in fifteen months, got out by some interest made for them. In February this year, those who remained sent the following petition to the council. 1676.

"To the right honourable, &c. the humble petition of John Wingate, Andrew Richardson, John and William Patersons, John Adam, John Stuart, and Charles Campbell, showeth, that the petitioners being prisoners in the tolbooth of Stirling these fifteen months bypast, some of us being poor old decrepit bodies, and all of us poor creatures with wives and families, we have been many times at the point of starving, and had long ere now died for want, if we had not been supplied with the charity of other people: the truth whereof is notour to all who live near Stirling, and which the magistrates have testified by a report under their hands.

"Wherefore it is humbly desired, that your lordships would compassionate our pitiful and deplorable condition, and that of our poor starving wives and children, and order us liberty; we being willing to enact ourselves to compear and answer before your lordships, whenever we shall be called."

These good people had never been legally convict of that or any other crime, and fifteen months of such hard imprisonment would appear a punishment abundantly equal to their being once at a conventicle, and such a petition would have prevailed almost with any but the people now in power. Charles Campbell was upwards of sixty years, and John Adam near seventy, and some of the rest were under heavy and sore sickness: and yet, instead of compassion to their clamant case, by order of council they are gifted to one captain Maitland, who had been a servant to the duke of Lauderdale, an officer at present in the service of France. A signed order by the earl of Linlithgow, and Lords Halton and Collington, came to the magistrates of Stirling for this effect. Robert Russel the provost was taught to carry on the project with secrecy, and the

1676. keys of the tolbooth were given to John Hamilton, then town drummer, an agent very well qualified for this work; and he kept them from having access to any body for two days. At length, upon Friday night, February 18th, when all was got ready, at midnight, without the least warning to themselves or relations, the poor men were brought out of prison, and delivered to about fifty foot soldiers, who carried them off fettered and tied one to another. John Paterson was let out some days before, being in all appearance in a dying condition. Notwithstanding of this surprise, it was observed they were all, when they went off, though they knew not whither, most hearty and cheerful; so strong is the support of a good conscience and cause.

The beginning of this year the duke of Hamilton was at London, and the king was pleased to hear some of his complaints against the duke of Lauderdale. We shall have more of them afterwards. Lauderdale wanted not matter to table against the other; that he had sent for him when commissioner, and he declined to come, that he had opposed a subsidy to his majesty in parliament, and likewise accused the chancellor of several things and practices, not agreeable to the king's interest; and it was moved the chancellor should be called up to answer for himself. The duke of Hamilton urged much the miserable circumstances of many country people, who were cruelly handled for their noncompliance, and fined, confined, banished, and all through ill advice, and unjust representations made to the government. The duke of York, and earl of Athole (now made marquis), and some others, were present. The king heard all, and said little. Lauderdale kept his ground with the king; and the chancellor, though the archbishop of St Andrews and others interposed, could scarce have liberty to come up to court to vindicate himself. At length duke Hamilton left court, and at parting, it is said the king taxed him with favouring of fanatics, and ordered him no more to meddle that way, or in any of his affairs, for he had no service for him. This is all I meet with as to this affair this year.

Upon the 27th of April, I find the council have a letter before them from the king, of the date January 2d, relative to the business of the bishop of Dumblane, and the four ministers. How it came to be so long delayed I cannot account for, knowing no further in this matter, than the paper about it, come to my hands, bears. The king's letter runs, "That by a letter from the archbishop of St Andrews, he finds that the bishop of Dumblane, now translated to the Isles, presented an address to the bishop of St Andrews, and the other bishops with him, containing a declaration of his former carriage, and an engagement for his future deportment, that he shall live in all becoming duty and faithfulness to his metropolitan and brethren; and that they have made their humble supplication to his majesty, for extending his clemency to him, and recalling the former order for his translation to the bishopric of the Isles. This he declares he is graciously pleased to grant, and orders the council to take all restraints off him: and likewise, upon the account of the dutiful address of Messrs Turner, Robertson, Cant, and Hamilton, ministers, all restraints are to be taken off them." The council appoint accordingly. This is all I know as to the issue of this affair.

After the act of intercommuning, in August this year, the harvest and winter was a time of very hot persecution through the country, and an outed minister scarce might venture to appear. Several ministers who had preached in the south, retired to Northumberland. Mr John Welsh, after whom a most diligent inquiry was made, hired a house upon Tweedside, where he for some time dwelt very pleasantly. Orders came from the king and the bishops' courts, to banish the Scots fugitives; yet the English gentlemen made no great haste, and the ministers sheltered there this winter. I take it to have been upon this occasion, that, October 12th, the council write to the earl of Hume to suppress the abounding conventicles in Berwickshire, and in the places near the English borders. Even in this storm, some ministers kept at their work, and the soldiers were very busy; yet several times they were repulsed. There was at this time a conventicle at Lillies-leaf Moor,

where a party of soldiers were chased by the country people unarmed.* I am told the commander of the party was cashiered for running away: and this same harvest or winter, a company of foot were obliged to retire, when attacking a conventicle near Dumbarton.

Some more particular persons I find under hardships this year. I want the particular dates, and therefore bring them in here. Mr Andrew Donaldson, before the restoration, minister at Dalgety in Fife, and now an old infirm man, came with his family to live at Inverkeithing, where Mr David Lauder was episcopal minister. This worthy old man was so cautious, that he would never preach, either in his own house or any other, in the time of public worship. But sometimes on the Sabbath evening, he preached to his own family, and some others in the town did come in. For no other cause than this, a party of soldiers came one night, and carried him out of his bed, old and infirm as he was, straight away prisoner to Linlithgow prison, where he continued more than a year, without any thing being laid to his charge, as we have heard. 1676.

Gilbert M'Ilwraith of Dinmurchie, in the parish of Barr, in the shire of Ayr, an heritor of five hundred merks land rent, and a considerable stock of money, beside his moveables and plenishing, was this year intercommuned, merely for noncompearance at courts, to which he was cited to bind himself to conformity. Many times he was searched for, but still escaped, and had his house frequently plundered. In the year 1680, he was forfeited, with many others, in absence, and the gift of his heritage and moveables was made over to the earl of Glencairn, and a transference was made of this to Edmonston of Broich, and a transaction entered upon by friends for his moveables, and a thousand merks paid. Afterwards they were again obliged to transact with the laird of Milcraig as donator, and another thousand merks was paid for the moveables, and he was, by the force of soldiers, possessed of the house, lands, moveables, twice transacted for, bonds, debts,

* This was a very large assemblage; the preacher Mr John Blackader. "They had knowledge that the sheriff, and some of the life-guards, were ranging Lilsly (Lillies-Leaf) Muirs on the forepart of the day; upon which the meeting shifted their ground within Selkirkshire, thinking themselves safe, being out of his bounds. Watches were set, and the forenoon's lecture got over without disturbance. About the middle of the afternoon's preaching alarm was given that the sheriff and his party were hard at hand riding fast, whereupon he, [the minister] closed, giving the people a word of composure against fear. The people all stood firm in their places without moving. Two horses were brought for the minister to fly for his life, but he refused to go, and would not withdraw, seeing the people kept their ground, and so dismissed the horses. The militia came riding furiously at full gallop, and drew up on the burn brae, over against the people, but seeing them stand firm, they seemed to be a little damped, and would speak nothing for a while. At this moment ane honest country man cast a grey cloak about Mr Blackader, and put a broad bonnet on his head, so he stood in that disguise among the people unnoticed all the time of the fray. The sheriff cried, 'I charge you to dismiss in the king's name.' The people answered resolutely from several quarters, 'We are all met here in the name of the King of heaven, to hear the gospel, and not for harm to any man.' The sheriff was more damped seeing their confidence. He was the laird of Heriot. His own sister was present at the meeting, and stepping forth, in a fit of passion, took his horse by the bridle, clapping her hands and crying out, 'Fye on ye, man; fye on ye; the vengeance of God will overtake you for marring so good a work:' whereat the sheriff stood like a man astonied. One of the soldiers comes riding in among the people, and laughing said, 'Gentlemen and friends, we hope you will do us no harm.' This was all a pretence—they had come to look for the minister, and were edging nearer the tent; but they were ordered instantly to be gone, and join their own associates, as more appropriate companions.

"The people still refusing to dismiss, the sheriff called out Bennet laird of Chesters, and Turnbull of Standhill, who were present in the congregation, and with them he negociated that they would dismiss the meeting, otherwise he must use force. Accordingly, at the entreaty of Chesters, they withdrew. This had more influence with them than all the sheriff's threatenings. The minister all this while keeping his disguise sat still till all the dragoons were gone, and then took horse with a company of seven or eight gentlemen. About twelve at night he reached Lasswade, and got to Edinburgh early in the dawning, about the time of the opening of the ports. This was a remarkable escape, as they had sought the minister among the crowd during the scuffle, and passed often by him without ever discovering him. The reason of his riding all night was to avoid danger; for all the nobles and gentlemen from Edinburgh were to ride next day to the race at Caverton-edge, when the roads to Teviotdale would be full of them."—Memoirs of the Rev. John Blackader, pp. 191, 192.—*Ed.*

1676. and every thing, till the revolution, when the said Gilbert, then alive, and lieutenant in the earl of Angus's regiment, intented a process against the said persons, and, by oaths of witnesses and writs, instructed a charge of fourteen thousand, five hundred and fifty-eight pounds, seventeen shillings and four pennies Scots. I do not find he had any restitution for bygones, though his wife and children were very rudely dealt with, and thrust out of their house with nothing but the clothes on their back, and an infant in a cradle, and none of their neighbours were permitted to harbour any of them, till a habitation was sought for by the mother, besides the most malicious, reproachful, and blasphemous language, unfit here to be repeated; all which was proven before the committee of parliament, after the revolution. This account is before me, attested.

To end this year, so extensive and large was the zeal of our managers against the suffering presbyterians, that it reached even to places out of the king's dominions. Accordingly, by the influence of our primate, the king is prevailed upon to write to the states general, to cause remove James Wallace, Robert M'Ward, and John Brown, out of their provinces. This was very hard measure, that without any new fault I can bear of, and for alleged crimes for which they had been sentenced fourteen or sixteen years ago, and had obeyed the sentence, that new difficulties should be put upon them, and they not be permitted to live quietly in the places whither they had been forced to go. When or how James Wallace went to Holland I have no accounts;* of the other two we have heard. The consideration of this made the states reject this unreasonable proposal, as will best appear by their resolution, which is here insert.

Extract, out of the register, of the resolutions of the high and mighty lords, the states general of the United Netherlands.

"*Die Veneris, the* 31*st July*, 1676.

"The lords deputies of the province of Holland and West Friesland, having had proposed to them, at their last meeting, that the lords the states of Holland, having convened in their states meeting, had read a missive of his majesty of Great Britain, written to the states general, dated at Whitehall, the 27th of the preceding month, June, *stilo vet.* containing, that his majesty desired that the states general should effectually cause the persons of James Wallace, alias Forbes, Robert M'Ward, and John Brown, his majesty's subjects of the kingdom of Scotland, being all there convicted of having committed the crime of lese-majesty, and having retired themselves into the province of Holland, in pursuance of the treaties betwixt his said majesty and the states, to depart out of this land, under the pains contained in the said treaties; and were informed concerning this matter, that the foresaid Robert M'Ward and John Brown, had neither been fugitives nor rebels against his majesty, and that such could not be comprehended under these persons, who, conform to the aforesaid treaties, must be removed out of these lands: that it was true, that the foresaid Robert M'Ward was imprisoned, and by the king's advocate was accused before the parliament of Scotland, in the year 1661, of having committed the crime of lese-majesty, and that therefore he ought to be punished: and that he on the contrary made his defence; and that the final sentence of the foresaid parliament, was, that he should be banished during his lifetime, out of the kingdoms of Scotland, England, and Ireland, and not to return thither again without his majesty's leave, upon pain of death: that they had caused him to subscribe the foresaid sentence, and that he having subscribed the same, without receiving a copy, was set out of prison, and upon the 18th day of November 1661, came to Rotterdam, to take up his habitation: and that the foresaid John Brown being called before his majesty's council, November 6th, 1662, compeared and was put in prison; and that he, after some time, having petitioned for liberty, or at least a more large imprisonment, received for answer, that he was condemned to everlasting banishment, and that there was

* Vide Note, page 305.

nothing remaining for him to do, but to give bond to go out of all his majesty's dominions, and not to return without leave of his majesty, upon pain of death; and that finally he was resolved to do the same, and having given the aforesaid bond, without getting a copy of his sentence, was set out of prison the 15th of December the aforesaid year: and that he, having had the liberty of a month to stay in Scotland, and afterward having another month granted him, did, upon the 12th of March, 1663, come to Rotterdam, and stay. And that therefore the aforesaid persons were of opinion that it should not be imposed upon them to remove out of these provinces, seeing they, according to the judgment of their own judges, were to undergo no sorer punishment; and that they had obliged them by their own handwrit, to no more than to go out of his majesty's dominions; and they had finally satisfied that sentence, by their removal and abode out of his majesty's kingdoms, and therefore neither should nor ought to be further disquieted.

"Whereupon it being deliberate, it was found good and resolved, that knowledge of the aforesaid should be given to the lord Benningen, ambassador for the states at the court of England: that a letter should be directed to him, desiring him to assure his majesty, that the states general are fully resolved to execute and fulfil the treaties betwixt his majesty and this state; but withal, that they do not believe that his majesty will impose upon them, to put away persons who had the misfortune to fall under his disgrace; and having compeared before his judges, and whose utmost sentence was to banish out of his majesty's dominions, did, conform to their sentence, remove out of them: and that the lord Benningen shall, in the best and discreetest manner, wave the forementioned matter, as being in the highest prejudicial to this land."

This paper is an authentic translation of the original, and allowances must be made for the difference of style in our language and the Low Dutch. No notice is taken of James Wallace: whether this be colonel Wallace, or a minister of that name, I know not; but I imagine it is the colonel, because placed before the other two. I am informed by a good hand since, 1676. that this was colonel Wallace; and Mr Brown, in his information given in at this time, put this argument in for him. "As for Mr Wallace, it may be remembered, he is an able and expert soldier, and may raise new tumults in the king's dominions, if he should not be suffered to lurk here, where he can do no harm." However, it seems they saw good to overlook him. Thus this foreign persecution ended, as far as I know.

CHAP. XII.

OF THE SUFFERINGS OF PRESBYTERIANS DURING THE YEAR 1677.

MATTER comes in so throng upon me this year and the following, that 1677. I am at a loss how to dispose it, so as the reader may have any tolerable view of the black period of oppression and persecution this summer, and especially in the close of the year, and beginning of the next, by the Highland host. For some time, as we have heard, the course of persecution has been carried on, with a severity that would have tempted almost any party to run to extremities; and yet the carriage of presbyterians continues still loyal and peaceable, even when their conventicles are most numerous. And when nothing really irregular can be fastened upon them, after the vast numbers of prosecutions this spring and summer, unreasonable impositions are put upon heritors; and, upon their declining them, the story of a designed insurrection is trumped up, most groundlessly and maliciously: and upon this the barbarous Highlanders are hounded out upon the west.

The order I have kept for some preceding years, will need to be altered this year, that the reader may have the chain of the facts that preceded the sending down of the Highlanders, the better in his eye. And I shall give some general accounts of affairs this year, and then the particular prosecutions and sufferings of ministers, noblemen, gentlemen, and others. Next, I will take a view of the procedure of the council and government,

1677. against conventicles in general, and presbyterians, which will lead me into more immediate inlets to, and preparations for the coming down of the Highland host. These will be the subject of four sections.

SECT. I.

Containing a more general view of the state of presbyterians this year, with some particulars which come not so well in upon the following sections.

That I may not pass by some matters of fact which come not so well under the succeeding sections, I shall here take a short view of the condition of presbyterian ministers this year, and the indulged in particular, and then hint at some few other things upon this period.

The ministers who had been busiest at conventicles, were forced to retire last year; and this spring they came back, though a good many continued in the north of Ireland and England, and in both were a sweet savour unto Christ in many. In Cumberland and Northumberland, Messrs John Welsh, Samuel Arnot, Gabriel Semple, John Scot of Hawick, and others, were very useful instruments among many rude and ignorant people, who were some way fallow ground, and scarce had the gospel preached to them before.

In the entry of this year, there was a pretty large meeting of presbyterian ministers at Edinburgh, indulged and not indulged. Mr Ralph Rogers was chosen moderator. I have seen some very warm papers from Holland, full of heat against this meeting (as I take it, for they do not name the year), as a pretended general assembly: but they never assumed any power of this kind to themselves, and did nothing I can find, but what was competent for a meeting of brethren that was occasional, and for consultation, and the mutual strengthening of one another's hands, and never claimed the powers of the supreme judicatory of this church. Very reasonably indeed they gave it as their opinion, that the sentences inflicted in the year 1661, by the brethren for the public resolutions, in some synods, upon several worthy ministers on the other side, ought to be taken off. Mr Hugh Kennedy, Mr William Crichton, both of them since the revolution ministers in Edinburgh, Mr Edward Jamieson, and some others, against whom the malice of some noblemen, gentlemen, and apostate ministers had mostly run, were among this number. They gave it likewise as their advice to their brethren in the country, which probably occasioned the warm reflections from beyond sea, that the indulged ministers ought to invite their brethren who were not indulged, to preach with them, as opportunity offered; and that the indulged should likewise, as they are called, and the case of the country required, preach up and down, and not confine themselves only to their own pulpits. This I know Mr Gabriel Cuningham, Mr Patrick Simpson, and several others I could name, did. Likewise they had long reasonings, and no small debates about the question of indefinite ordination; whether in the present persecuted and oppressed state of the church, ministers might be ordained without a call and invitation from, or the present prospect of settlement in a particular congregation. Several papers upon this subject *pro* and *con* were handed about at this time, wherein this question is handled with abundance of solidity and learning. I am told the most part of the meeting were for the negative; but a considerable number being for the affirmative, no conclusion was come to. I have by me Mr James Kirkton's essay, and some papers of Mr Brown's, for the affirmative in this debate, and a pretty large essay of Mr John Baird, who opposes indefinite ordination. They are too large to be insert.

Mr John Welsh, and a good many others, returned to the south and west in the spring, after last year's storm, and conventicles were very frequent and common. A considerable part of the nation wholly disowned the episcopal clergy and church; and the severe laws against preaching of the gospel were not executed, because of the multitude of offenders, except as to some particular persons, of whom in the next section, who fell into the clutche of the persecutors. Public cita-

tions of ministers and hearers were given much over, seeing nobody compeared, knowing that the best measure they could expect was the Bass, whither all were sent who could be catched.

The two conventicles which were mostly noticed, and grating to the prelates this summer, were that at Eckford in Teviotdale, and in Maybole parish in the shire of Ayr, beside the water of Girvan.* At this last Mr Archibald Riddel, Mr John Welsh, Mr Andrew Morton, Mr Patrick Warner, Mr George Barclay, and a good many other ministers, did celebrate the sacrament of the supper in the fields; and there were many thousands of people present, and very much success attended the word preached there. The people were encouraged to follow the gospel when they saw their own numbers; and indeed they regarded the present laws no further than the nature and reasons of them discovered their equity and righteousness. A price being set upon Mr John Welsh his head, he travelled still with some of his friends with him, armed for their own and his defence. The conformable clergy magnified these meetings, and made a terrible clamour, as if the whole of the presbyterians had been in arms; and the bishops took the hint, and give out that an insurrection was designed, when, in truth, there was nothing like this projected. However, the clergy by their lies and stories compassed their end, and got new bonds pressed, and severities exercised, as we shall hear.

Not very much offers this year, as to the circumstances of the indulged. Several things concurred to lay the foundations of the divisions, which broke out next year, and especially before the rising at Bothwell. Robert Hamilton, brother to the laird of Preston, a gentleman we shall meet with after this, who, in his youth, was said to be none of the strictest practice, and had of late set up with more than ordinary zeal against prelacy and other corruptions, together with Mr Richard Cameron, and other probationers for the ministry, and some others of greater weight than any of them, joined in promoting a separation from all who had accepted the indulgence: but I shall leave this melancholy subject, till I give it altogether in its own place, when it came to a greater bearing. It is the treatment of the indulged from the council, I shall here a little hint at. 1677.

Upon the 7th of March, Mr Alexander Hamilton, formerly confined to Dalmeny, is ordered by the council to remove to Dalserf, and allowed to exercise his ministry there, upon the former terms given to the rest. The particular occasion of this allowance I know not fully; but I am informed, that a good many serious people used to go out of Edinburgh to Dalmeny, to hear Mr Hamilton, which grated the bishop and his party there very much.

Upon the 2d of May, the council pass an act, discharging all the outed ministers, who did not enter into their confinement in the year 1672, to enter now into any churches, and declare they will indulge no more in time to come, but will take care the kirks of such who die, or are removed, be planted with regular ministers. This act was very much kept, as far as I have remarked, and in a few years the prelates got rid of these worthy men, so much their eyesore, as we shall hear. However, every rule hath its exceptions, especially when any of their friends were concerned; and so I find, August 7th, Mr Anthony Murray is indulged to the parish of Carstairs, Mr Greig, formerly indulged there, being turned out.

A good number of the indulged ministers, and such as had been named in the act, were cited to appear before the council, in August this year. By a list before me, I find the following ministers cited to Thursday August 4th, Mr Matthew M'Kail, minister formerly at Bothwell, Mr James Currie at Shots, Mr John Semple, Mr William Wisheart at Kinnel, Mr Robert Fleming, Mr Gilbert Hall, Mr John Park at Stranraer, Mr Patrick Anderson, Mr Thomas Hogg. The ministers cited to August 11th, Thursday after the former, are Mr James Hamilton at

* In the Life of Mr Blackader, pp. 182—189, there is a very graphical description of this conventicle. Had our space permitted, we would have quoted it at length. We beg to refer our readers to the whole of Mr Crichton's work, as a most valuable piece of biography, and admirably illustrative of covenanting times.—*Ed.*

1677. Blantyre, Mr James Mitchell, Mr James Porter, Mr John Dickson at Rutherglen, Mr John Blackadder at Traquair, Mr Gilbert Hamilton at Crawford, Mr Peter Reid at Douglas, Mr George Johnston at Newbottle, Mr John Stirling at Kilbarchan, Mr Hugh Peebles at Lochwinnoch, Mr James Hutchison at Killallan, Mr Gabriel Cuningham at Dunlop, Mr Hugh Crawford at New Cumnock, Mr James Wallace at Inchinnan, John Semple at Carsphairn, Mr Robert Lockhart, Mr Alexander Monerieff at Scone, Mr Alexander Strang at ———. The reason of this almost general citation I know not, only it is probable it was upon information given of their not keeping the rules. The council-register bears nothing of it: but upon August 7th, I find Mr James Currie before the council, and challenged for being at a conventicle. He acknowledges he was there, and the reason was, it was in the corner of his own parish, and he went thither to expostulate with the preacher, for withdrawing his people from him, and is dismissed. A good number named in this list never accepted the indulgence, though named in the act; and all cited here are not even in the act. I find, the foresaid day, the council call Mr James Greig, who is not among those in the list; and he not compearing, they declare his indulgence is forfeited, and he is discharged to preach any more in Carstairs.

At the same time the council being informed, that the indulged ministers do not keep their instructions, "Order a new copy of them to be sent to each of them, with certification, that, if they break them, they shall be immediately turned out, and further censured." This seems to have been the effect of their general noncompearance. The author of the History of the Indulgence speaks of a proclamation, August 10th this year, discharging heritors to pay the indulged their stipends, without a warrant from council for that effect, notwithstanding the liberty formerly granted. If the proclamation be in the registers I have overlooked it, only I find the short minute above. The council being informed, that Mr —— Gilchrist had been inducted by Mr John Welsh into the kirk of Carsphairn, upon the indulged minister's death, and that he now possesses the kirk, manse, and glebe, ordain Mr Gilchrist to be dispossessed, and brought in prisoner to Edinburgh. It would seem that worthy and really singular man and minister John Semple of Carsphairn, died at this time. No more about this matter is in the registers.

We shall afterward hear, that in the beginning of October this year, the instructions granted to the persons then named by the council, are a little more favourable to the indulged; and the council declare, "That the indulged ministers shall not be put to a necessity of seeking yearly warrants for their stipends, but the heritors of the parishes where they serve are authorized and appointed to pay them their stipends, according as they serve the cure, in haill or in part. And it is hereby declared, that if any of these indulged ministers shall be found to contravene the instructions, the council will proceed against them as they shall see occasion. And it is hereby recommended to the respective commissioners, to see them keep their confinement, and to report if they find them transgress." This is all I meet with concerning the indulged this year.

We heard formerly of the contests betwixt the two dukes; and, January 6th this year, I find a letter from the king to the council, making void all the commissions about the militia, formerly granted to the duke of Hamilton, which no doubt they took care to intimate to him.

In June or July the duke of Lauderdale and his dutchess came down to Scotland, and one of the dutchess's daughters, by Sir Lionel Talmash her first husband, is married to the lord Lorn, afterward the first duke of Argyle.* The other was designed for the

* This lady it should seem was not the very best of wives, at least in her husband's opinion, who in a letter to Mr Carstairs (State Papers, p. 286.) says, "There is one thing I know will be clamoured against, that I have sent my two daughters home to Rosencath, designing to take the charge of them myself. My reasons for doing so are, since they are mine, and that I am bound to provide for them, none can blame I wish and endeavour that they be bred up in

marquis of Athole's eldest son; but that project misgave.

The presbyterian ministers in Glasgow, Paisley, Irvine, and Hamilton, when they had the accounts of the duke's coming down, found it proper to make trial of an address to his grace in favours of nonconformists; and the Rev. Mr Matthew Crawford, from whom I had this passage, was pitched upon to go into Edinburgh, and there, with the help of the Rev. Mr John Carstairs, he procured a meeting of the ministers thereabout; who relishing the motion from the west, employed Mr Anthony Murray, a relation of the duchess of Lauderdale, and he got access to the duke, and humbly pressed that his grace would be pleased to interpose with the king, for the taking off the sentences of intercommuning laid upon so many ministers, and the releasing their brethren in the Bass, and other places of confinement; and begging that they might have access to meet together under his grace's connivance, for drawing a supplication to the king's majesty. All the return Mr Murray had from the duke, was, that as for himself he was ready to do him any kindness that lay in his power, but would grant no favour to that party, being (as he was pleased to say) unworthy of any.* From this plain answer, the ministers concluded that evil was determined against them; and so indeed it proved; and we shall hear in the beginning of August, new and severe proclamations and impositions on presbyterians were agreed upon and emitted. But next council day, when a good many of the lords represented, that the pressing of the bond would ruin their tenants, and lay their lands waste, the duke began to talk of a third indulgence, and that pretty openly; yea, came the length of signifying, by my lord Melville, to several presbyterian ministers, his inclinations this way: and commissioners were sent from several corners in the country, to advise upon a supplication to the king. When this came to the knowledge of the two archbishops, they complained very heavily to the duke; and I am informed his return was, that he intended no liberty to presbyterians at all, but it was convenient to keep them in hopes, till he got forces raised to suppress them, and keep them in order; and he alleged they were at present so numerous, as they could not be meddled with without hazard to the peace of the country. In the council at this time the prelates' party were strong; the chancellor, Linlithgow, Mar, Glencairn, Ross, and Halton, were violently against any favour to presbyterians. Argyle, the president, Stairs, Sir Thomas Wallace of Craigie, and a few more, were for moderate measures; but nothing was done. Upon the 4th of September, Sir George Mackenzie of Rose- 1677

all duty and love to me as their father; which I cannot expect in the circumstances they have been in hitherto, living with a mother in those terms with me, and who never in her life showed them either the example of good nature or duty to their parent; and who always carries herself to her children to an extreme one side or other, by too much fondness or too much severity." State Papers, p. 236.—*Ed.*

* Law, in his Memorials, says, that Lauderdale, when tried by some ministers whether it would please him to accept of an address from the presbyterian party, declared that he had once burnt his fingers that gate else, but resolved he would do so no more, and showed them that the laws would be put with all vigour in execution against recusants. Lauderdale notwithstanding of this was rather a favourite with Law, who affirms "that he was truly a man of a great spirit, great parts, great wit, a most daring man, and a man of great success, and did more without the sword than Oliver Cromwell, the great usurper, did with it; was a man very national, and truly the honour of our Scots nation for wit and parts." Memorials, pp. 195, 65. Such is Law's character of Lauderdale, a man who possessed not one good quality, and whose very name reflects infamy on his country. Mr Laing gives a fair character of this minister, when he represents him as unprincipled, and as attached to the covenant first, and afterwards to the court, from one and the same consideration, namely, ambition. "His manners were coarse, boisterous, and unsuitable to the fastidious refinement of a court." With good talents and extensive learning "His temper was dark and vindictive, incapable of friendship, mean and abject to his superiors, haughty and tyrannical to his inferiors; and his judgment seldom correct or just, was obstinate in error, and irreclaimable by advice. His passions were furious and ungovernable, unless when his interest or his ambition interposed. His violence was ever prepared to suggest or to execute the most desperate councils; this ready compliance preserved his credit with the king, till his faculties were visibly impaired with age." Laing's History, vol. ii. p. 32.—*Ed.*

1677. haugh, was admitted a privy* counsellor.* And much about this time, Sir John Nisbet of Dirleton, who had been advocate to the king these many years, is turned out of his post, some say upon a very sordid reason,† and Sir George, in October this year, put in his room, who was a very great instrument in the after severities against presbyterians, and was scarce ever guilty of moderating any harsh proceedings against them in the eyes of the prelates themselves.

At the same diet of council, a letter comes down from the king, of the date August 24th, signifying, that in time to come he was resolved to give no commissions to any officers of state, but *durante beneplacito*, and appoints the chancellor, secretary, treasurer-depute, and lord privy seal, to be inquired if they were willing thus to take their commissions, which it seems they formerly had *durante vita, aut interveniente culpa.* We need not doubt what their answer was, when the king's will long since was declared to be their law. Their consent is registrate, to this alteration, in the council-books. This, among other things, was a great handle for promoting the arbitrary courses of this period, and a good mean to make all the inferior officers entirely depend upon him who had the king's ear: and yet, as is usual, all these stretches were turned against the duke of Lauderdale, who contrived them for his own establishment.

Towards the end of October, the council receive a letter from the duke of Lauderdale, acquainting them with the designed marriage betwixt the prince of Orange and lady Mary; and they write a letter to the king full of compliment upon this design, and tell him, they cannot express the greatness of that happiness they promise themselves from that alliance, which brings so much support to the royal family, and the protestant churches; and they command public rejoicings in the city of Edinburgh for this. Perhaps, had some of them known what was to come out of that auspicious match, they would scarce have been so forward. It was indeed the only bow we had in our cloud, in all this dark period. And the reader will be ready enough to observe, though I should not put him in mind of it, that since the union of the crowns, the family of the Stuarts have been great blessings to these kingdoms, in the marriages they made with protestant princes, yea, to the whole of the reformed churches; and it is to these we owe first the glorious revolution, and then the happy settlement of the protestant succession in the family of Hanover. And upon the other hand, their matches with papists have been as great plagues, and once and again brought us and our holy religion to the brink of ruin.

No other thing offers, but what will come in on the following sections, unless it be,

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* Sir G. M'Kenzie of Rosehaugh was certainly a man of talents, and one of the most correct English writers of his day. He was a native of Dundee, where he was born in 1636. He had his education partly at the universities of Aberdeen and St Andrews, and partly at Bourges in France. He was a distinguished pleader at the Scottish bar, where one of his first appearances was as counsel for the unfortunate marquis of Argyle in 1661. He was soon raised to the rank of a judge in the criminal court, and was, in 1674, made king's advocate, and in 1677, one of the lords of the privy council for Scotland. In this capacity Sir George certainly did not temper his severity as a public prosecutor, with much mildness, "And we fear," says the author of his life, in the Edinburgh Encyclopedia, vol. xiii. p. 220, "that the title of the blood-thirsty advocate, and the persecutor 'of the saints of God,' was to a great degree merited by the cruelties which he exercised against the covenanters." In 1688 he opposed in council the proposed address to the prince of Orange; and finding that his adherence to the exiled family could be of no avail, he resigned all his offices and retired to enjoy literary ease in the university of Oxford. In that seminary he was by favour, admitted *as a student* on 2d June, 1690, but died in London in the spring following. He was author of many works, legal, political, and literary. His "History of the affairs of Scotland" was found by the Rev. Dr M'Crie, in 1820, and immediately published under the able inspection of Thomas Thomson, Esq. advocate. He had the honour of founding the advocates' library in 1680; and this is, perhaps, his best claim to a grateful remembrance. —*Ed.*

† "Sir John Nisbet, a person of deep and universal learning, having disobliged my lord Halton, he procured a letter to the lords of session, ordaining them to make inquiry into his having consulted *pro et con.* in the case betwixt the lord chancellor and lord Melville, concerning the tailzie of the estate of Leven." M'Kenzie's History of Scotland, p. 324. This inquiry, it would appear, Sir John was unwilling to run the hazard of, and to avoid it demitted his post.—*Ed.*

that upon the first of November, the committee of public affairs, who have now the most part of what before was the uptaking work of the council upon their hand, report to the council that they had appointed two men to be scourged, for a riot on the minister of Torphichen, and two more for a riot on the minister of Borrowstounness; and the council approve of this, and greater things than this, as we shall hear, done by them.

SECT. II.

Of the particular hardships put upon the presbyterian ministers, noblemen, and gentlemen, this year 1677.

THE shortness of the former section is like to be more than made up by the length of this and the following, where a very great heap of particular sufferings of many worthy persons presents itself. I shall begin with the ministers who this year came to their hands who managed the persecution, and then give some accounts of persons of quality, and others, in order of time they were attacked.

I may well begin this account with the imprisonment and sufferings of that excellent and pious minister, and the representative of a good family, Mr James Frazer of Brae, which I shall give the reader mostly from his own distinct and pointed account of them in his Life, of which he hath left a large narrative in manuscript under the borrowed name of Philocris, a copy of which from the original is before me; and I shall here and afterward give a pretty large extract from it. This worthy person met with several hardships in the preceding years; citations to appear before the council in a day or two after he was married, timed just out of malice to vex him and his spouse, which, with his being declared fugitive, I must pass, as what would take up much room. We heard before he is among the list of ministers, who, about two years ago, were intercommuned. It may be worth the while to take notice of some of his remarks on this part of his lot. He observes, "That the bishops and other wicked men found, that by all the former branches of their severities, the number of dissenters increased upon their hand; and, being fretted with this, bethought themselves of the expedient of intercommuning the most active ministers and professors, and stooped very low, even to carriers of salt, as Robert Kirk in the Mill of Forth; and went the length of three or four hundred in the first and second intercommuning. He remarks, that murderers and traitors till now used only to be intercommuned, and that by this method the persecutors hoped to keep the people from them, and to force them to leave the land, or make them coy-ducks to ensnare others." He had preached at field-conventicles, and was, in his sentiments, against hearing the episcopal ministers, and very much popular, which some of his friends urged against his being put in with others in the letters of intercommuning; but the prelates were positive to have him in: he adds, "That for all the great hopes conceived from this harsh step, their counsels were turned to folly, and never one whom he cared for shunned his conversation after this sentence; and even such who had no regard to religion, entertained him as freely and friendly as ever; yea, he notices, that it was when under this utmost sentence, that he got the most of the encumbrances off his estate, and his civil business cleared and settled; and that he did not hear of any intercommuned persons who were prejudged, only the bishops were more universally hated, as the authors of so rigorous courses, and the whole land groaned the more to be delivered from them." 1677.

After two years and a half's continuance under this sentence, during which he preached as he had opportunity, the prelates used all their interest to catch him, knowing he was a rigid nonconformist, and had no freedom to have any communion with their church; and, as he expresses himself, imagining he was a man of some parts, and very active in keeping up the schism, as they called it, and stirred up the council against him in particular, as a person of disloyal principles and practices; of which he fully vindicated himself, as we shall hear; and he was one of three, for the apprehending of

1677. whom, a considerable sum of money was proffered. At last, being in Edinburgh, the town-major, being solicited by the primate, and encouraged by great promises of reward, upon the Sabbath evening, January 28th this year, by means of a servant-maid of one of his relations, with whom he lodged, got notice of him; and about ten at night, when at family worship, came in and seized him, and carried him straight to prison. The archbishop was presently acquainted with the news, and much pleased, gave the major a small present, and promised more; and as soon as the day dawned, sent strict orders to the jailor, that Mr Frazer should be kept close, and none permitted to have access to him, until he was brought before a committee of council. Before them he appeared at five of the clock at night, and what passed there I shall give in Brae's own words.

Says he, "When I appeared, I was not indicted of any crimes, but examined, and verbally charged as a seditious person, who did rend the church of Christ, and was very active to make and keep up the schism, as a preacher at field conventicles, which was death by law, which they gladly would have had me acknowledge, as likewise who empowered me to preach; that I was intercommuned and despised the law, in so far as I never made any application to be freed from that sentence; and that I was a person of very bad principles, destructive to all government; and thereupon the archbishop, who sought to ensnare me by my own words, inquired, Whether I judged it lawful, on pretext of religion, to take up arms against the king's majesty? This was the sum; and that I kept correspondence with some prisoners in the Bass, which the archbishop confidently averred he knew." "These things," adds he, "were not charged upon me all at once, but in a confused way, and many of them by way of question. I cannot say of any of the committee, but they were all civil and sober persons, of whom, if the instigation and fear of the archbishop had not prevailed with them, I might have been moderately dealt with: but he, in a bitter and invective oration, did represent me as a very odious and criminal person to the other counsellors, aggravating my alleged crimes vehemently. To all which, I replied, that I did acknowledge I was (though most unworthy) a minister of the gospel; and that indeed I preached frequently as the Lord called me, and independently upon the bishop; that the subject of my discourses and sermons were not disloyal, and traitorous principles and assertions, as the archbishop did assert; but according as I was helped of God, I preached 'repentance towards God, and faith toward our Lord Jesus Christ,' and no other thing than what was contained in the Prophets and the New Testament: that I was so far from being ashamed or terrified to own that I was a minister of Christ, that though I was of no despicable extraction, yet I gloried most in, and counted it the greatest honour I ever attained, to serve God in the gospel of his Son: that I never stirred up the people to sedition by preaching, and was indifferent though the principles of my heart were as visible and perceivable to their lordships, as the external lineaments and traits of my face, so as they might read what was engraven on my heart: that as for rising up in arms against the king, upon the pretext of religion, which the archbishop alleged I maintained, I told him he was therein abused by his informers; for I never knew of any of the most zealous asserters of the liberties of the people, that did not maintain rising in arms upon pretence of religion, pretences giving no ground or warrant for any man's action: that matters of prerogative and privilege were things of a ticklish and thorny nature, and which for the present I desired not to give my thoughts upon, not judging them within my sphere, or that I was called to meddle with them: that for such as did ordain me, I was not free to tell them, lest thereby I should bring others into trouble, although I designed to be most free as to matters concerning myself: that, as I judged it not unlawful to preach the gospel, either in houses or fields, as conveniency did offer, but duty and ordinance of Christ, so far was I from judging these meetings 'rendezvouses of rebellion,' as the archbishop termed them. That I did not acknowledge I at any time preached in the fields; and if they thirsted

after my blood, and to take my life upon that account, they could not expect I should give or reach the weapon wherewith to destroy myself, or that I should either witness against or accuse myself in a matter which the law had made so criminal; and therefore it was proper for them to seek their proof and evidences against me elsewhere than from myself; for I was resolved no man living should be able to make me guilty of such a weakness: that as to corresponding with any in the Bass, which the archbishop alleged, I declared there was no such thing, and if there was, I shall be content to suffer the greatest punishment. I denied the charge of schism, and left it to be proven by the bishop: that for my intercommuning, I was then seven score of miles off when it was passed, and knew not of it, till I saw my name in the printed paper, and so could not prevent it; and after I was intercommuned, I could not get one person as would so much as draw up a petition for me, being straitly charged to the contrary: and that from this and the fear of further prejudice, and not from any contempt of the laws, it was, that I did not move to have myself taken out of the letters of intercommuning; that in this and all the premises I was free and ingenuous with them: that I came not to justify my breeding before their lordships, but acknowledged I was a rude man, one of the lords having challenged me of unmannerliness and ill breeding, that I gave not the archbishop his titles: and finally, that I was now in their lordships' power, and ready to submit to whatever their lordships determined concerning me." This is Mr Frazer's own account of his examination, and it agrees perfectly well with another account written at this time in short hand, by one present at the examination, as the queries and answers were given; and that the reader may have a specimen of the manner of their captious examinations, I have insert it below.* After his examination he was sent back to prison, and ordained to be kept more strictly than formerly. 1677. His pockets were searched for letters; knives, ink, pen, and paper, were taken from him, and all company discharged. He remarks, that the Lord was a light round about him at this time, and him they could not shut out, and that night was the sweetest he had for many years, and he was lifted up above death, sin, hell, and wrath, and the fears of prelates and papists, by a full sense of the Divine favour. About six of the clock next day, he was awakened by one of the jailors, who called to him to make ready to go presently to the Bass, for so the council had determined. Accordingly, he and Mr James Mitchell were carried away by a guard of twelve horse and thirty foot, and on Wednesday morning were delivered to the governor of the garrison, consisting of eighteen or twenty soldiers.

In the Bass he continued two years and a half; and he makes not a few remarks upon his own and the rest of the prisoners' circumstances while there, too long to be insert here. Upon the one hand he records, that he met with much of the Lord's presence, and many visits from his Master, and had much sweet conversation with his fellow prisoners, and improved in knowledge and grace; but upon the other side he complains, besides their opportunities of preaching were removed, distance from his relations, and many other things, which easily offer to any body: that the company of the ungodly was uneasy, they lived among lions, wolves, and serpents, and dwelt in Kedar. Their servants were turned from them frequently, and they obliged to seek new ones; they were deprived often of one another's society: their letters were often opened and read, their diet was extravagantly dear, and they behoved to take it at the governor's rates. Many times they were all shut up close, and not suffered to see or speak to one another, just

* *Brae's examination, January* 29, 1677.
Lord Halton interrogates, What man of trade are you? *Answer.* Your lordship would explain what you mean by a trade. *Question.* Are you an heritor? *A. If* that be the thing you mean by a trade, I am. *Q.* Where lie your lands? *A.* In Ross. *Q.* Are you a preacher? *A.* Though by my not acknowledging this, I might put your lordship to the trouble of proving it, yet I will give you a clear

1677. as freaks took the soldiers. They were vexed with the soldiers mixing in with them, their blasphemies and cursings, and ensnaring discourse on public matters. Their servants were frequently attempted by the ruffians, so that they could scarce get any to serve them. The worst among the soldiers kept some others among them, from conversing with the ministers on religious matters on the Lord's day, by force, when several were most willing, and had got some good this way: and sometimes in the winter and spring they were very hardly put to it for necessaries, and had nothing but snow-water, strinkled upon some oatmeal, to drink, and a little hard fish to eat.

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evidence of my ingenuity, by acknowledging freely that I do preach, and though I be of an extract not altogether despicable, yet I glory more in that, and in serving God in the gospel of his Son, than in any other thing I pretend to. *Q.* Are you in orders? *A.* As to what concerns my own person, your lordship sees I have been very free in acknowledging what I knew made me culpable by your law, and that without being circumvented, but foreseeing the hazard since, I likewise acknowledge I preach without any authority from the bishop; but as to what concerns others, or may serve to bring them on the stage, your lordship will excuse me from saying any thing in it. *Q.* If ye glory so much in your ministry, why do not ye avow it? why do ye not own your principles? that is not ingenuity at all. *A.* I request your lordship to have no apprehension of me but as one most ingenuous: but I have owned my ministry; and any other principles you pose me on, ye shall find me very free to give your lordship an account of them, but why I could not directly answer that question, I have given your lordship a reason already. *Bishop.* This gentleman seems not at all to be ingenuous with us, possibly he would be more if he knew the state he stands in, which is not ordinary, for he is of most pernicious principles, destructive to all kind of government, and withal is very active in spreading these, so that there is scarce a conventicle I hear of, but it is still Mr Frazer who is the preacher, and likewise he is at least given out to be a man of parts and learning, and therefore the more to be taken notice of, since parts that way improven are most dangerous. *A.* I know no pernicious principles I hold, such as you mean may concern either church-government or loyalty; as to the first, I freely acknowledge, as it is now established, I have a very great aversion from it; as to my loyalty I would not care much, though you all saw what were in my heart anent it; as to my spreading of them, I have been preaching Christ and exhorting people to mend their ways and repent, and if the doing of that be pernicious, I confess myself guilty of it. *Bishop.* The greatest heretic will say so. *A.* It is not saying, but doing. *Bishop.* These are fine principles; you hold that all that are not of your judgment it is lawful to cut them off. *A.* If you can produce any famous faithful witness (false you may) that will say that ever I maintained any such doctrine, I am content to die presently. *Bishop.* But you hold that the people may, whenever they think themselves wronged, make a pretence of religion, and rise up against the magistrate. *A.* I have read *pro* and *contra* on that subject, both loyalists and common-wealths men, and among all that ever I read or heard of, I never knew any that held that opinion, (upon which Halton and some others smiled) and that which we hold concerning that, is nothing but what may be drawn from the positions of the greatest loyalists themselves; but that is a ticklish point, and I desire not to dive in it at this time. *Halton.* Did you ever preach in the fields? *A.* Your lordship knows that that, according to your law, is criminal, and I am not obliged to be my own accuser. It is enough that my throat be cut, though I do it not with my own hands; if you mind to stage me on that, bring my accusers, and then proceed as your lordship thinks fit. *Bishop.* Though these shifts be taken from others, yet they must not, Sir, be taken so from a man of parts. *Dundonald.* Sir, Ye would gain the good will of the committee, by being ingenuous and free; I assure you none of us has any ill will at you, or intend to take any advantage of you, or of any of your party, from any thing you say. *A.* I thank your lordship. *Halton.* Did you ever preach at Linlithgow? *A.* It may be I have. *Bishop.* Yes, Sir, you have, and in the fields there too, and that in great conventicles. *A.* I desire that may be proven. *Halton.* You seem to be a wolf, and not one come in at the door, but at the window. *A.* If I had not said I had been in orders, your lordship's consequence had been good, but when I said, I could not directly answer that question, your lordship cannot argue from the negative, as if I had said it. *Halton.* But you are intercommuned. *A.* When I was cited I was six score miles from the place where my citation was given, so that it was not possible for me to answer it, and it was upon pretended contumacy, in not appearing on this citation, that I was intercommuned. *Halton.* But why did you not move in it then? *A.* Since I could not move in it, for I had none to do for me, my being intercommuned putting me in such a condition, that they who would do for me were afraid to converse with me, or so much as take a petition out of my hand. *Halton.* Did you ever converse with Mr Forrester? *A.* It may be. *Bishop.* Yes, Sir, you have, and ye had still, since he went to the Bass, correspondence by letters, and you were his correspondent. *A.* My lord Halton, since the Bishop says so, I declare ingenuously I never had a line from Mr Forrester, yea, not ever so much as changed a word with him. *Halton.* You seem to be of the quakers' principles, for though ye give us our due titles, yet my lord St Andrews, whom his majesty is pleased to honour, ye give him not so much as he gives you, he gives you Sir, and ye give him nothing at all, that is no civility. *A.* I came not here to justify my good breeding, I confess I am a rude man, but for that I have no clearness.

Till the archbishop's death no intercession could prevail for liberating the most part of them; and yet Mr Frazer remarks, that the firm persuasion of a deliverance was continually kept up upon his spirit, and he was made to believe that the God who spoke to the fish in Jonah's case, would speak to that rock to give him and his brethren up: and accordingly, when the rash and unconcerted attempt at Bothwell was broken, and they judged their case desperate, and all hope was failing, in the evening time it was light; and the king granted an indemnity, and sent orders to liberate all prisoners for nonconformity, who had not been concerned in the rising. Upon which, in July 1679, Mr Frazer and eight or nine more ministers were brought out of the Bass, and taken to the tolbooth of Edinburgh. The reason of their being imprisoned there, when taken out, was, that though the king's orders were unconditional to liberate them, yet the council would not set them free, until they should either give bond not to rise in arms against the king, or any commissionate by him in any case, and to forbear field meetings, and preaching in houses, or give security and caution to appear when called, under the pain of five hundred pounds sterling. The first the ministers in all the points of it would not oblige themselves to, as what they reckoned was a giving up of their ministry, and therefore behoved to fall in with the other; and in twenty-four hours' time they and some others in prison at Edinburgh, found bail for eight thousand pounds sterling, and were liberate. Mr Frazer observes, he continued in a wandering lot, preaching almost every Lord's day, till November 1681, when he and his cautioner were cited before the council; at which time we shall meet with this excellent person again.*

I go forward to the sufferings of some other ministers about this time, from the hints I find in the council-books anent them. February 1st, the council order Mr Thomas Hogg, whom they term a noted keeper of conventicles, and intercommuned, to be transported from Murray to Edinburgh tolbooth; and Mr John M'Gilligen, of whom before, to be convoyed from one sheriff to another, to Edinburgh. They are informed that the sheriff of Nairn keeps him as a chaplain, and suffers him to preach and keep conventicles, and commit other disorders; and therefore the said sheriff is ordered likewise to appear before them at Edinburgh. Mr M'Gilligen was sent to the Bass, and continued there till the (year) 1679. What became of the friendly sheriff I have not heard, only I find the council, March 1st, by a letter, give to the earl of Seaforth a severe reprimand, for granting warrant to the sheriff of Nairn to give some liberty to Mr M'Gilligen. 1677.

Mr Andrew Forrester, who had been formerly imprisoned in the Bass for preaching at conventicles, and let out, was lately taken in Fife, and brought before the council, February 8th. The great thing they had against him, was some papers he had about him when taken, and I give the account as it stands in the registers. "Mr Andrew Forrester, when taken, had some papers upon him, by which it appears, that, upon the 20th of May 1676, there convened, within the town of Edinburgh, betwixt fifty and sixty outed ministers, who did constitute themselves in form of a commission of the kirk, and voted their moderator, and appointed a committee of their number to bring in overtures; who accordingly did meet at night, and drew up a petition, and overtures of a most seditious nature, to be offered to their meeting; in which they condescend upon, and settle ways of keeping correspondence in their several societies and synods established by them, and for entering upon trials, and sending out young men to the ministry in their several societies and bounds, and for one synod's corresponding with another, and for providing against any offer from the state in order to church affairs, without advertisement given unto, or concert of the several societies, and for

* The biographical work from which Mr Wodrow has so largely quoted, was afterward published, and is now well known to serious readers as one of the most interesting records of the time. The reader is referred to it, and to the printed memoirs of Mr Thomas Hogg, as well deserving a careful perusal.—*Ed.*

1677. correspondence with gentlemen and judicious elders. Whilk overtures being, on the said 25th of May presented to the great meeting, were by them voted and approven; which paper, containing the said petition and overtures, with another paper bearing the leeting and voting of the moderator, and what votes every minister had, and the minutes of what passed at those meetings, being found on the said Mr Forrester, and he confessing he was present, and the said minutes were his writing; but declining to answer in what house they met, and who was preses, though he owned he was clerk, or who were present, and other circumstances; he is ordered to be kept close prisoner in Edinburgh." No more anent this meeting offers to me than is here; I make no doubt it has been a general meeting of correspondence, and probably they voted and concluded the overtures set down above, for the management of themselves. As to their sitting as a commission of the kirk, is merely an addition or inference, and I find all who were members of those meetings still declined to take to themselves any judicative power. We have heard of another meeting of this nature this year, for regulations to themselves in this difficult juncture; and after this I much doubt if there were many. What became of Mr Forrester I have not learned. May 3d, the earl of Dumfries represents to the council, that Mr William M'Millan, of whose sufferings I shall afterward give a fuller account, hath been for some time imprisoned in Dumfries for nonconformity, and that he may be let out, and confined to the parish of Balmaclellan. The council grant the desire of a petition from him to this purpose. The same day Mr James Drummond, formerly mentioned, is ordered "to be brought into Edinburgh tolbooth. The reason given is, because at his former liberation he engaged not to keep conventicles, and yet was taken preaching." If he made such a promise, he is almost the only presbyterian minister did so at this time. They all gave bond to compear when called, but none of them would oblige themselves not to preach.

Mr Robert Trail, son to Mr Robert Trail, minister at Edinburgh, of whom in the former book, is brought before the council, July 19th. It is narrated in the article about him, that he was taken at Edinburgh, that he had been excepted out of the indemnity for the rebellion 1666. When brought before the council he acknowledged he had kept house conventicles; and being interrogate if he had preached at field conventicles, he referred that to probation, and declined to answer, as being criminal by law: whereupon he was ordered by the council to purge himself by oath, of preaching or hearing at them. This he peremptorily refused, as what in justice he could not be obliged to in his own cause. Being interrogate, if he ever conversed with Mr John Welsh; he confessed he had, when upon the English border. He acknowledged he was ordained to the ministry by presbyterian ministers at London, in the year 1670. The council send him to the Bass; and major Johnston is ordered a *premium* of a thousand pounds Scots for apprehending him.

October 9th, I find the committee for public affairs give it as their opinion to the council, that Mr Robert Trail, Scot of Pitlochie, Mr James Drummond, Mr James Frazer of Brae, be liberate from the Bass, upon their giving bonds for their compearing when called. How far this was gone into by the council as to the rest I know not; but we have heard that Mr Frazer was continued in the Bass, notwithstanding of this, by the particular spite the primate had against him. At that diet, I find that the council order Mr Alexander Peden, of whom before, to be liberate from the Bass, upon his enacting himself to depart forth of Britain, and not to return, under the pain of being held *pro confesso* to have been at Pentland. I am told he was once precentor at Fenwick for some time. Likewise they order Mr Thomas Hogg, who had been brought from the Bass, to the tolbooth of Edinburgh, to be liberate, and confined to Kintyre, under the pain of a thousand merks: and Mr John M'Gilligen is likewise ordered to be liberate and confined to the island of Isla; and Mr Thomas Ross, who is prisoner in the tolbooth of Tain, is appointed to be liberate, upon his finding

caution to compear when called, upon the pain of two thousand merks.

November 1st, Mr John Welwood is informed against, as having intruded upon the kirk of Tarbolton in the shire of Ayr; and the council appoint the earl of Glencairn, and the lord Ross, to see that he be turned out, and apprehended. I do not hear he was taken, but very soon the Highland reformers came down to that country: and, November 15th, Mr James Forthie, chaplain to the Trinity hospital at Edinburgh, is ordered to be turned out, for his being present at a conventicle. This is all I meet with this year, about particular ministers. I come now forward to the severities exercised against particular noblemen, gentlemen, and others. My accounts of them are not so large as were to be wished, being mostly from the hints about them I observed in the council-books.

Upon the 8th of February, Scot of Pitlochie, who had been formerly intercommuned, and was lately taken for being at conventicles, is brought before the council, and sent straight to the Bass, where I find him, October 5th, and ordered to be let out by the committee for public affairs, as hath been noticed.

This year the excellent lord Cardross, of whom before, had new troubles; whether upon the former iniquitous sentence he had continued in prison till now, or what was the occasion of this, I know not: but, February 8th, I find the council allow Henry lord Cardross liberty to go out of prison, until the 18th of that month, because of his lady's illness: and upon the first of March, they allow the lord Cardross to go about his affairs, upon a bond of a hundred pounds sterling, to be exacted for every offence, *toties quoties*, for himself and his lady, in the terms the council appointed formerly. This is rigorously exacted. August 7th, my lord and his lady are fined in half of their yearly valued rent. The pretext of this severity was, that he had baptized two children with the outed ministers. One would think this was a pretty narrow point, and might have been overlooked; but none of these could be borne with by the bishops. Since I finished what is above, from the hints in the council registers, I am in case, from original papers, to give some further account of my lord Cardross's trouble this year. This excellent nobleman had continued in prison now near two years. It seems my lord sent up a petition to his majesty, which was answered in a letter to the council, dated February 24th, 1676, a copy of which is before me, which relates to two other gentlemen as well as him, and I insert it here. 1677.

"Right trusty and well beloved cousins and counsellors, &c. We greet you well. Having seen and considered the three enclosed petitions, from Henry lord Cardross, Sir Patrick Home of Polwart, and lieutenant-general William Drummond; we have thought fit to signify to you our royal pleasure, and we do hereby expressly require you to exact and cause full payment to be made of the fine imposed by you on the lord Cardross, and to take good surety from him, that neither he nor his family will be guilty of such offences as these for which he was by you fined and committed: after which (and no sooner) you are hereby authorized to set him at liberty. As for Sir Patrick Home's desire, it is our express pleasure, that the sentence formerly pronounced by you, whereby he is declared incapable of all public trust, may still continue in full force against him, until our pleasure shall be (in writing under our royal hand) declared to the contrary; but that in the meantime, you order him to be released from prison, and to be restored to his liberty. And as for lieutenant-general Drummond's desire, it is our royal pleasure, and we are hereby graciously pleased to authorize and require you to cause him to be set at his full liberty, hoping that his future carriage will be such, as that thereby we shall have no cause to think this our royal favour ill bestowed. For doing all which this shall be your warrant, and so we bid your heartily farewell. Given at our court at Whitehall, the 24th day of February, 1675-6, and of our reign the 28th year. By his majesty's command,

"LAUDERDALE."

The council were willing enough to keep

1677. close to this unfavourable answer; and my lord continued in prison, till February this year he is liberate for ten days, and his liberty continued, under a rigorous bond, as we have just now seen, till a new process is intended against him for two irregular baptisms. My lord's indictment is dated August 2d, and I insert it here from the original.

"Charles, &c. Forasmuch as it is humbly meaned and shown to us, by our trusty and well beloved counsellor Sir John Nisbet of Dirletoun, knight, our advocate for our interest, in the matter under-written, that where, albeit by the sixth act of the second session of our second parliament, it is statute and ordained, that none of our subjects of whatsomever degree or quality, presume to offer their children to be baptized by any, but by such as are their parish ministers, or else by such ministers as are authorized by the established government of the church, or licensed by our council, upon a certificate from the minister of the parish, if he be present, or in his absence by one of the neighbouring ministers; and it is declared, that the father of any child which shall be otherwise baptized, (he being an heritor, life-renter, or proper wadsetter) shall be fined in a fourth part of the valued yearly rent: notwithstanding whereof, it is of verity, that upon the first, second, third, and remanent days of the months of January, February, March, and remanent months of the years of God 1675, 1676 bypast, and 1677 instant, or one or other of the days of the said months, Henry lord Cardross hath several children belonging to him, at the least hath had two children baptized by persons who are not his own parish ministers, or by such ministers as are not authorized by the established government of the church, or not licensed by our council, without any certificate from the ministers of his own parish, or, in case of his absence, by one of the neighbouring ministers; whereby the said Henry lord Cardross hath directly contravened the tenor of the foresaid act of parliament, and thereby incurred the penalty therein contained, wherefore he ought and should be decerned to make payment. Our will is herefore, and we charge you strictly, and command, that incontinent these our letters seen, ye pass, and, in our name and authority, command and charge the said Henry lord Cardross personally, and deliver to him a just copy of these our letters, to compear personally before the lords of secret council at Edinburgh, or where it shall happen them to be for the time, the seventh day of August instant, to answer to the premises, and give his oath upon the verity thereof, certifying him, if he fail so to do, that he shall be held as confest thereupon; and that the lords of our privy council will proceed and give sentence in the said matter, as effiers, according to justice, as you will answer to us thereupon. The whilk to do we commit to you, conjunctly, and severally, our full power, by thir our letters, delivering them by you duly execute and indorsate again to the bearer. Given under our signet at Edinburgh, the second day of August, and of our reign the twenty-ninth year, 1677. —*Per actum dominorum secreti concilii.*"

"I Robert Leitch, messenger, by virtue of the principal letters raised at the instance of the above designed Sir John Nisbet, in his majesty's name and authority, lawfully summon, command, and charge Henry lord Cardross, to compear, day and place above exprest, for the reasons and causes above rehearsed.

"ROBERT LEITCH, messenger."

In answer to this, instead of legal defences, my lord gives in the *following* representation to the council, when he appeared, August 7th.

"*Unto the right honourable, the lords of his majesty's privy council, the humble representation of Henry lord Cardross, showeth,*

"That being convened before your lordships, for having, since January 1675, a child, one or more, baptized contrary to the act of parliament 1670, as is particularly exprest in the libel; I shall not trouble your lordships with legal defences, but plainly lay forth, and humbly submit the case as it is, and doth consist in my knowledge, to your lordships' favourable judgment. It is not unknown to your lordships, how, and for what cause I have been kept a pri-

soner in the castle of Edinburgh, by the space of almost two years, and thereby sequestrated and shut up, not only from my ordinary parish, but also from my own family, in which time I grant that I had a child born in the town of Edinburgh; but being restrained, as I have said, and not permitted to attend my wife in her labour, much less to perform and discharge the other duties relating to the child, I confess that I did neither conceive myself concerned in the foresaid act of parliament, being in no liberty or capacity to satisfy its appointment, nor did I inquire nor inform myself further, than to learn that the child was truly and christianly baptized, without once asking by what minister the same was done. And this is the true and just account of this affair: seeing therefore that the foresaid act is made expressly against wilful withdrawers, and such as presume to offer their children to be baptized otherwise than is therein ordained; and so that these things and characters are noways chargeable upon me a prisoner, having neither ordinary parish, nor settled family, nor so much as access to have presented my child to baptize; and lastly, seeing that my long, and more than ordinary sufferings, are well known to your lordships, likeas, the child is now deceased, and so it is most consistent with your lordships' moderation, not to add affliction to the afflicted, may it therefore please your lordships graciously to accept of this my declaration and submission, and to acquit me of the foresaid libel and indictment."—Notwithstanding of this plain stating the matter, my lord is fined as high as the letter of the law would permit, in half a year's valued rent. The severity of this procedure appears so full from the above representation, that I need make no reflections upon it, but go forward to the sufferings of others this year.

Thomas Blackwell, William Stirling, and Robert Fork, prisoners at Glasgow, and formerly declared fugitive, are ordered, February 8th, to be brought in prisoners to Edinburgh. Whether they were sent, I know not. We have seen Mr Blackwell escaped out of prison last year by the dreadful fire: it may be by this time he was taken again, but this I know, his sufferings were very sore and most illegal. An information given in to the government after the revolution, will give us some hint of them, though far short of what they really were; which bears, "that at the pressing instance of Mr Ross, then parson of Glasgow, and afterwards bishop of St Andrews, in the year 1677, Mr Blackwell was committed to prison, (for house and field conventicles, and entertaining nonconformist ministers in his house,) even when under a most violent fit of a tormenting gravel: but one night the door being open, and the jailor drunk, he and William Stirling, a gentleman in prison with him, got out. The council cited the magistrates of Glasgow, and they having no defence to make, were fined in ten thousand merks, which fine was transacted with them for two thousand merks, by one of the managers. After the indemnity 1679, Mr Blackwell was attacked by the cautioners for the jailor, who had paid the fine, and put again in prison, and kept there under great torture of the gravel for a long time, and was obliged to transact for seven thousand merks to his pursuers, a good part of which was paid, though William Stirling was not at all pursued." By this and many other hardships, he and his family were reduced to great difficulties and encumbrances, and yet kind providence hath well provided for them since the revolution. Nothing further offers as to the other two. 1677.

Upon the 22d of February, Robert Blae, late bailie of Culross, is fined for being at conventicles, in two thousand merks Scots, and William Gray, girdle-maker there, upon the same account, is fined in two hundred merks. Robert Bennet of Chesters, upon the 2d of May, is brought before the council, for being at a field conventicle, where they allege the king's forces were resisted;* and, the same day, the soldiers who apprehended Thomas Blackwell and Robert Bennet, are allowed ten pounds sterling per piece out of the fines. June 28th, I find the council fine Bennet of Chesters in four thousand merks Scots, for conventicles, and

* This was the conventicle at Liliesleaf. Vide Note, page 343.

1677. his hearing and conversing with Mr John Welsh, and appoint him to continue in the Bass till he pay it. The same day, Adam Stobie of Luscar is fined by the council in three thousand merks, for keeping conventicles, withdrawing from public ordinances, reset and converse with intercommuned persons, and, after payment of the fine, ordered to be transported forth of the kingdom.

June 28th, John Anderson of Dowhill, younger, since the revolution frequently provost of Glasgow, was brought before the committee of public affairs, and was accused of many conventicles, and a tract of nonconformity. All was remitted to his own oath for probation, which he refusing to give, was held as confest. He voluntarily acknowledged he had for several years deserted his own church at Glasgow, and heard the indulged, that he had a child baptized by an indulged minister, that he had been at five or six conventicles: he refused to engage to hear his parish minister, and they fine him in five hundred pounds sterling, and appoint him to lie in Edinburgh tolbooth till he pay it. There he continued close prisoner, till October 5th, when I find the council order him to be liberate upon his payment of two thousand pounds Scots.*

Sir Alexander Bruce of Broomhall is fined, July 24th, in twelve hundred pounds. He was fully regular and conform himself, but, it seems, had not violently pressed his tenants to subscribe the bond; and some of his tenants had been at conventicles, and their fines are accumulated, and he charged to pay them. Besides these particular finings, I find a great many charges issued out, in the end of July, against many heritors in the shires of Lanark and Renfrew, to appear before the council in August next; which brought them to a vast deal of trouble. The form of the charge I need not give at length, but I shall insert the abstract of an original one just now before me, and they run all, *mutatis mutandis*, in the same strain.

"Charles, &c. Whereas it is humbly meaned and shown to us by Sir John Nisbet our advocate, that notwithstanding of act 1st, sess. 2d, 1st parl. and several other laws and acts of parliament, withdrawing from public ordinances, irregular marriages and baptisms, converse with intercommuned persons, are punishable, as contained in our laws: nevertheless, it is of verity, that the persons underwritten, James Smith of Tullochshaugh, (no more are named, because the charge before me was personally delivered to this gentleman, in the parish of Kilbride and shire of Lanark,) have in the years 1674, 5, 6, and 7, kept or been present at field conventicles, or in houses in the parishes of Hamilton, Blantyre, Dunsyre, Kilbride, or at the muir of ————, and about or near the said places, have heard divers outed ministers preach, expound scripture, pray, and exercise several other functions of their ministry, particularly Mr John King, Mr John Dickson, Mr Andrew Morton, &c. and have had their children baptized, and been married in this disorderly manner, and have convocate numbers of people to these meetings, and withdrawn from their own

* Among the public spirited individuals in Scotland, who, in times of peculiar difficulty, distinguished themselves by their steady and noble minded adherence to the cause of religious truth and civil liberty, and who shared deeply in the sufferings of the times, no one is entitled to a more respectful notice than John Anderson of Dowhill, Glasgow, afterward lord provost of the city for a succession of years, and a leading member of all its commercial and civil establishments. Descended from a family who had held a principal rank in the magistracy and city of Glasgow since the beginning of the seventeenth century, he early devoted his excellent talents and extensive influence to the cause of his suffering church. He suffered much by fine and imprisonment; but it pleased God to spare him to see the triumphs of the cause in the establishment of the glorious revolution. In the convention of estates at Edinburgh, which made offer of the crown of Scotland to William and Mary, he held a prominent place among the burgesses, and his name appears among the signatures appended to the public deeds on that important occasion. A beautiful fac simile of one of these deeds, namely, the celebrated protestation by the Scottish convention, was lately published in the "Acts of the Parliament of Scotland," under the charge of Thomas Thomson, Esq. Mr Anderson afterwards sat as member for the city of Glasgow, in the first parliaments after the revolution, and in the leading committees on matters of trade and commerce especially, he took a very active part. He was provost of Glasgow for the years 1689, 1690, 1695, 1696, 1699, 1700, 1703, 1704.—Acts of Scots Parliaments for 1689-90, &c.; Cleland's Annals, p. 104.—*Ed.*

churches, or at least have reset and supplied, harboured, or corresponded with Mr John Welsh, Mr John King, Mr John Dickson, or others declared rebels and traitors, who have been intercommuned: likeas, the persons underwritten ——— (a blank here without their names) landlords and masters to the foresaid persons, their rentallers or tenants, who have not given obedience to the foresaid laws, in taking bonds from them conform thereunto, ought to be answerable for them, and liable, and decerned against for the pains and penalties incurred by the said rentallers and tenants: as also, the persons underwritten, ———, heritors of the lands above written, upon which the said conventicles were kept, ought to be liable to the sum of fifty pounds sterling, for each one of the said conventicles kept on the ground of their lands. Our will is herefore, and we charge you in our name and authority, to charge the haill persons abovewritten, to compear personally before the lords of our privy council, the 7th day of August next to come, to answer to the foresaid complaint, and give their oaths of verity upon the respective articles thereof; with certification if they fail so to do, they shall be held as confest thereupon, and decreet and sentence accordingly pass upon them, and to hear and see such order taken as appertains, under the pain of rebellion. Given under our signet at Edinburgh, July 28th, 1677."

Such charges as this involved the whole country almost in trouble, and the persons particularly charged in great difficulties and vast expenses to get rid of these prosecutions; and multitudes of them were given out. But to return to particular persons; August 2d, John Cunningham of Bedlane petitions the council to be liberate from prison because of the heavy sickness he is fallen under. They grant his liberation, upon his giving bond and caution to re-enter when called, under the penalty of five thousand merks.

Upon the 7th of August, I find some ladies fined by the council. Margaret Rigg lady Pitlochie, Margaret Pitcairn lady Kinkell, are cited for alleged being at conventicles, and when not compearing they are held as confessing, and the lady Kinkell fined in five thousand merks, 1677. and the other in a thousand, and letters are directed against them and their husbands; though, if I mistake it not, Pitlochie was at this time in the Bass, at least we have seen that, October 5th, an order is given for liberating Pitlochie, and some others, from the Bass. In October, the committee for public affairs order Robert Ker of Kersland to confine himself to the town of Irvine, and a mile round it: and, November 29th, Robert Ker, sometime of Kersland, and Durham of Largo, prisoners in Edinburgh tolbooth, are ordered to be liberate without any conditions; which is not very ordinary at this time. This liberation of Kersland I set down as I find it; *how it* came about I know not, and his friends know nothing about it, or that ever it came to his knowledge. I meet with no more but what will natively enough fall in upon the following sections, and so I come to

SECT. III.

Of the more general procedure of the council against conventicles and presbyterians, this year 1677.

IN this section I shall give the reader some view of the actings of the council, more common to all the suffering presbyterians, until the design of the Highland host was formed, and then give the more direct preparation for that in the next section.

February 13th, the council give commission to the lord Maxwell, a papist, to apprehend presbyterian ministers and preachers, and substantial heritors found at conventicles, and such as he should be well informed were there, in the shires of Dumfries and Wigton, and stewartry of Kirkcudbright; he is likewise empowered to uplift the five thousand merks of fines, lately imposed upon the parish of Dunscore for a riot.

Great care was taken about this time to have the youth formed according to the course carried on at present; so upon the 6th of March, the council pass an act,

1677. discharging any students at any university to be admitted to receive university degrees, till once they had taken the oath of allegiance and declaration, and that under pain of deprivation to the masters who should confer them. This bar in the fountains of learning, upon all except such who were of a particular opinion, or cared not what they declared, hindered many youths from receiving their degrees, who were as much deserving as those who got them.

The same day the council cause write letters to the sheriffs, bailies of regalities, and other inferior officers, bearing, that for their encouragement to prosecute such who haunted conventicles, they are warranted to uplift for their own use the fines by law due from tenants, cottars, and every other person below the degree of an heritor; and likewise they are appointed to uplift the fines of heritors, and to be countable for them to the council. They are required to be diligent and strict in the levying the fines from all persons guilty, and send in frequent accounts of their diligence to the council. Before the vacation, upon the same day, I find the nomination of the committee for public affairs, with the former powers, recorded. They are the earls of Linlithgow and Winton, the lords Elphingston and Belhaven, the treasurer-depute, advocate, and lord Collington, or any three of them.

Upon the 4th of April, the council, in a letter to the duke of Lauderdale, complain that great numbers of conventicle-keepers, preachers, and hearers, when processed, fugitate, and pursued by his majesty's forces, go over the border to England, and so escape. They earnestly beg his majesty may provide a remedy for this evil.

May 2d, a good many of the royal burghs are writ to by order of the council, to be more careful in suppressing of conventicles, and send punctual accounts of their diligence to the council from time to time. The burghs of Dunbar, Linlithgow, Glasgow, the regality of Bunkle in Berwick, and the town of Aberdeen, have letters ordered to be sent them. The same day, colonel Borthwick, who commands the forces lying at Glasgow, is ordered to be careful to prevent people's going out of that place to conventicles. The council is informed, that early in the morning on the Sabbath, great numbers there use to go out to conventicles, and leave their own churches. The soldiers are appointed to be set at the gates, and seize such who offer to leave the town.

It hath been before observed, that the committee for public affairs have now a great part of the procedure against presbyterians in their hands, and therefore I shall here set down a pretty large report they give in to the council of their proceedings, which is insert in their books, June 28th, and though it repeat some things before hinted at, yet containing some other particulars, and being their own account, I give it here.

Report to the council by the committee for public affairs, June 28th, 1677.

"In the year 1674, the several sheriffs being ordered by the council to proceed against the keepers of conventicles, and to report an account of their diligence, according to the act of parliament, some of the sheriffs, particularly the sheriff of Stirling, having returned an account, that they had convened and sentenced several persons guilty of conventicles, and other disorders, issued forth their precepts, and raised letters of horning thereupon, by warrant of the lords of session, but their sentences were suspended by the said lords, which they were not in a capacity, without great attendance and expenses, to discuss. The council thought fit to order, that hereafter letters of horning upon the letters of the sheriffs and other inferior magistrates, should be direct by the authority of the council only, and that no suspension thereof should pass but by the council. And accordingly, letters of horning being from time to time direct by the council, it is the opinion of the committee that the said order should be renewed, and that it be recommended to the president of the session to intimate the same to the lords, and that the clerk of the bills should be discharged to present any bills for horning upon the said precepts, or to present any bills of suspension, upon any charges direct by the authority of council, as he will be answerable.

"The committee has ordered letters of denunciation to be direct against the persons within Glasgow, who did not compear to answer for conventicles, and to be denounced, at the market cross of the shire, except William Govan, John Leckie, and Mr William Bell, whose appearance is continued till the 11th of July next, upon certificates produced for them.

"The committee being informed, that Mr Peter Paterson, who was formerly denounced, and prisoner, for conventicles and other disorders, and thereafter, upon his application, confined to the barony of Restalrig, hath so far abused that favour, that he has kept frequent meetings in his house, so frequent that people at these meetings have been without doors; and there being some of the sheriff's officers sent by the sheriff's order to take notice thereof on Sunday the 17th instant, he refused to open his doors, which they declared before the committee; and that they saw him and some others with him looking out at his windows, and heard that there were many persons within his house, who, upon the officers' approach made their escape out at a back passage. It is the opinion of the committee, that his cautioner ought to be ordered to enter his person in prison in the tolbooth of Edinburgh in forty-eight hours, under the penalty of two thousand merks, conform to his bond.

"Whereas captain John Inglis, a sergeant, and four rate of musketeers, were at considerable charges and trouble in taking of William Stobie of Luscar, now prisoner in the tolbooth of Edinburgh; it is the opinion of the committee, that it be recommended to the lords of the treasury, to allow them three hundred merks out of the first and readiest of the said William Stobie's fine, being the tenth part of it, to be divided at sight of the earl of Linlithgow.

"The committee considering, that divers persons are imprisoned in the tolbooth of Edinburgh, and divers other places, who before their imprisonment, were denounced his majesty's rebels, and put to the horn for their contumacy in not appearing before the council, and several of them intercommuned: it is their opinion, that in setting them or any of them to liberty, this method be followed; that suspension or relaxation be passed for them before the council or committee, to such a competent diet as shall be found fit, upon caution to be found for their personal compearance at that diet, and the haill diets thereafter, until the suspension be discussed, under a particular penalty: and that in the meantime they shall frequent ordinances in their own parish churches, and shall not go to any conventicles, or correspond with, harbour, or reset any intercommuned persons, under a particular penalty, *toties quoties*, conform to the quality of the person. 1677.

"The committee having called the magistrates of Culross, who were cited for permitting one Mr Michael Potter, a fugitive person, to be schoolmaster there, and for resetting one William Adam a fugitive and banished person, and others; one of the bailies compearing declared, that the magistrates knew not the said schoolmaster was fugitive, and that he is gone to Holland twenty days since, and that sen sine (since that time) the school is planted with a regular person: that William Adam had a house in the town, and his wife kept a shop, and that he was very seldom seen himself, and that the bailie undertook, that if he could be found within their liberties, to apprehend and present him.

"There being a conventicle kept in Culross, Sabbath was eight days, which was dissipate by captain Buchan, and about eighteen persons seized upon, and imprisoned in Culross, upon examination the committee finds, that the magistrates had set some of them at liberty at their own hand. The committee has ordered the magistrates to call them all back to prison, and hath condescended upon the persons most substantial of them, and appointed the magistrates to produce them before the council this day se'en-night; and if the rest who are mean persons will give bond to keep their own parish churches, and not keep conventicles, they have appointed them to liberate them, otherwise to continue them in prison. The committee find the magistrates are culpable, and deserve to be fined: but it is their opinion, that the council shal.

1677. delay to punish them for some time, that they may see what will be their future carriage, and have time to search for and apprehend the said William Adam, which the bailie present undertook to do.

"Mr James Drummond being formerly imprisoned for conventicles in the town of Edinburgh, and set at liberty upon his engagement not to keep any in time to come, being apprehended at Glasgow, and liberate upon caution to compear this day, he compeared before the committee, and being examined, he could not deny but that he kept both house and field conventicles, since he was liberate, contrary to his former engagement; and being again asked, if he would yet forbear to keep conventicles, he refused so to do. It is the opinion of the committee, he should be presently sent to the Bass, and thereupon his cautioners may have up their bond foresaid."

The lords of his majesty's privy council having considered the foresaid report, they remit the first article thereof to the foresaid committee to be considered further, and approve of the rest of the articles. This report is a specimen of the diligence of this committee, and had all their reports been recorded in the registers, I should have been in case to have given a more particular account of the procedure of this time, whereas now I have it but in broken hints, sometimes from the council's actings, and at other times from the committee's partial accounts.

To go on, July 19th, the council grant a commission to Sir William Murray of Stenhope, whom we shall meet with afterwards, to Posso and Isk, officers of the militia, to dissipate conventicles in the shire of Peebles; and the first was very careful in this matter, and afterwards we shall find him clothed with higher powers.

Upon the 24th of July, "The lords of his majesty's privy council considering that the proclamation, dated July 18th, 1674, obliges heritors for their tenants, chamberlains, &c. which was gone into with the greatest deliberation, will be found most effectual to prevent conventicles at this time, ordain the same to be prosecute, and put in further execution; and in order thereunto, that upon information of any conventicles in any place, the heritors to whom persons present are tenants, chamberlains, &c. shall be cited as well as they, to hear and see themselves found liable for their fines, if they cannot make it appear they have taken bond of them, and reported the same in due time, conform to the proclamation." It was upon this that the charge and council-letters we heard of in the preceding section, against James Smith of Tullochshaugh, or Thornton, and many others, was given, and multitudes of gentlemen put to a great deal of trouble: but the managers stopped not here; it was not thought so good to prosecute gentlemen upon a proclamation which had not been much execute for near four years, and therefore new hardships are put upon heritors, which I shall give account of, when I have observed, that upon the 26th of July, the council are pleased to allow the prisoners in the Bass liberty to walk every where above the walls, except Mr James Mitchell, who is to be kept close prisoner. This was a little refreshing to these worthy persons.

Meanwhile, August 2d, the council come to emit a new proclamation in prosecution of that 1674, a copy of which, with the bond, see note,* by which all heritors, wad-

* *Council's proclamation, with the tenor of the bond, August 2d, 1677.*

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to our lyon king at arms, or his brethren, macers of council, pursuivants, messengers at arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as, notwithstanding of the many good acts and laws made in our parliaments and privy council, for securing the protestant religion, the order and unity of the church, and the tranquillity and peace of the kingdom, many do obstinately continue, through ignorance, prejudice, or disaffection, to withdraw from the public worship, and to frequent house and field conventicles, which we have so often declared to be the nurseries of schism, and rendezvouses of rebellion, tending to debauch our subjects from that reverence due to religion, and that obedience they owe to our authority; and considering, that these offenders take encouragement from their supposing a remissness in the due and vigorous execution of our good and wholesome laws and acts provided against them: therefore we, with advice of the lords of our privy council, in pursuance of our late proclamation, dated the eighth day of June, 1674 years, commanding all heritors and landlords, liferenters, to require

setters, and liferenters, are required to engage themselves by a bond, not only for themselves and families, but for all that lived under them, that they shall not keep or be present at any conventicle, or baptize or marry with outed ministers, and that under the highest penalties, which are repeated from the former acts, and the 1677.

their rentallers and tenants to subscribe the bond hereto subjoined, and of the seventh act of the second session of our second parliament, whereby all our subjects were discharged to withdraw from the established meetings of divine worship, declaring that every person who should absent themselves without a reasonable cause, to be allowed or disallowed by the judges and magistrates thereanent, should, if they had any land in heritage, liferent, or proper wadset, pay the fifth part of his or her valued yearly rent, every tenant six pounds, every cottar or servant forty shillings: as also of the sixth act of the same parliament, all our subjects prohibited to cause baptize their children by any save their own parish minister, or such as are authorized by the established government of the church, &c. declaring that the parent offender should pay the fourth part of his valued rent, if an heritor, liferenter, or proper wadsetter; fifty pounds if a tenant, twenty pounds if a cottar, half a year's fee if a servant; as also of the 34th act of the first session of our first parliament, discharging all our subjects to procure themselves to be married by Jesuits, priests, deposed or suspended ministers, or any others not authorized by law; each nobleman under the penalty of one thousand pounds, each baron one thousand merks, each gentleman and burgess five hundred pounds, and each other person of an hundred merks Scots; and in pursuance of the other laws and acts thereanent provided, do, with advice foresaid, hereby require and command all masters of families, to cause their chamberlains, grieves, domestics, servants, and others entertained by them, give due and exact obedience to the foresaid acts, and, in case of their disobedience, to remove them out of their service, under the pains and penalties contained in the said acts. Likeas, we strictly command and require all heritors, wadsetters, liferenters, and landlords, to require their rentallers and tenants to subscribe the bond hereunto subjoined, authorizing them hereby to raise letters to charge them for that effect, upon six days, and to denounce and registrate them to our horn, if they be tenants who have tacks, and if they be moveable tenants, that they shall upon their disobedience recover decreets of removal and ejection against them: and we do hereby discharge the said heritors, liferenters, landlords, &c. to set their lands hereafter to any person, by word or writ, without inserting the foresaid surety in tacks, and taking bonds apart, in case there be no written tacks, that their said tacksmen, rentallers and others, their hinds, cottars, and others who shall live under them in the said lands, shall give obedience in manner foresaid; and in case of their disobedience, that their rights, tacks, and possessions, shall be void and null, *ipso facto*, without any declarator to pass thereupon. It is likewise hereby declared, that if any cottars or servants, for whom the rentallers or tenants stand bound, shall be found guilty by transgressing the foresaid laws and acts, the respective masters shall have their relief off the said contraveners: and it is further declared, that all masters of families, landlords, and heritors, who shall not give punctual obedience, they shall be liable in the same pains and penalties due by contraveners, but prejudice always of proceeding against the contraveners, and inflicting upon them the pains contained in the said acts of parliament: and seeing the single and liferent escheat of such as live within regalities belong to the respective lords thereof, we no ways intending to prejudge the civil rights of our subjects, do allow them to have the benefit thereof, according to law; but, with advice foresaid, do strictly charge and command them to use exact diligence against the contraveners of the foresaid laws, within their respective jurisdictions: with certification, that if they prosecute them not, without collusion, within thirty days after their delinquency, we will call them before our council, and punish them for the neglect of their duty. It is hereby declared, that these presents shall no ways derogate to the former proclamation, obliging heritors and others for their tenants, cottars, and others, but that the same shall stand and continue in full force, strength, and effect, to all intents and purposes: and that the said presents may be notified to all concerned; our will is herefore, and we charge you strictly and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and there, with all due solemnity, in our name and authority, by open proclamation, make publication. And for the better execution of these presents, we require the several sheriffs and their deputes, with all possible diligence, to cause read and publish the same upon a Sabbath-day, at the several parish kirks within the bounds of their sheriffdoms, albeit some of these parishes may belong to other jurisdictions, intimating to the heritors and others foresaid, that they cause their tenants subscribe these bonds, and report the same to their respective sheriffs or their deputes, who are ordered to return to our council an account of their diligence, within the bounds reported to them, by the heritors and others foresaid, within the spaces following, viz. The sheriffs of the sheriffdoms of Edinburgh, Haddington, Berwick, Roxburgh, Selkirk, Peebles, Lanark, Linlithgow, Stirling, Dumbarton, Renfrew, Perth, and Forfar, betwixt and the second Thursday of November next, and the sheriffs of the remanent sheriffdoms within this kingdom, betwixt and the second Thursday of December thereafter; and ordain these presents to be printed and published, that none pretend ignorance, according to justice, as ye will answer to us thereupon. The which to do, &c. Given under our signet at Edinburgh, the 2d of August 1667, and of our reign the 29th year.

Follows the tenor of the bond.

I do hereby bind and oblige me, that I, my wife, children in my family, cottars and servants, shall not withdraw from public divine worship in our respective parish churches, but shall attend the public ordinances there at the ordinary diets thereof, under the pains and penalties contained in the seventh act of the second session of his majesty s second parliament, which

1677. obligation is put in the form of a bond and annexed. To secure obedience to this, August 7th, powers and commission is granted by the council, to several noblemen and gentlemen in very ample form, for putting the laws against conventicles and other disorders, in execution. This was a kind of high commission renewed again in little, and very quickly backed more powerfully with a Highland host. I shall first set down the persons commissioned, with their respective bounds, and then their commission and instructions common to all of them. The lord treasurer is appointed for the shire of Edinburgh; the earl of Winton, Belhaven, Haddington, for the shire of Linlithgow; the marquis of Athole for Perth; the earl of Hume for the Merse and Teviotdale; the lairds of Philiphaugh and Haining for Selkirk; the lord Ross for the nether ward of Clydesdale and Renfrew; earl of Wigton for the upper ward of Clydesdale; Robert Dalziel of Glenae for Dumfries; Richard Murray of Burghton (Broughton) for Kirkcudbright; the earl of Glencairn for Ayrshire and Dumbarton; earl of Argyle for Argyleshire; Kinghorn and Sir Charles Erskine of Cambo for Fife and Kinross; Richard Murray of Burghton for Wigton; Sir William Murray of Stenhope for Peebles; earl of Mar and lord Elphingston for Stirling and Clackmannan; Errol and Marischal for Kintore; the lairds of Auchmedden and Boyne for Bamff and Aberdeen; earl of Marischal for Kincardine; earl of Murray for Elgin, Nairn, and Inverness; Sir John Urquhart of Cromarty for Cromarty; earl of Airly for Forfar. Next I insert the tenor of their commission, as it stands in the council books.

Commission.

"The lords of his majesty's privy council considering, that albeit many persons have been convened before the council or commissioners of council, for conventicles, disorderly marriages and baptisms, withdrawing from public ordinances, and other disorderly practices, for divers years past, some whereof are fined, and their fines not exacted, and others, the far greater part, are declared fugitives, for their contempt in not appearing before the council or their commissioners of council, and letters of intercommuning directed against them; and albeit the escheats of several be gifted to his majesty's cash-keeper, for his majesty's use, and decreets of general declarature passed thereupon; yet, for want of particular informations of the estates of those persons, and sums due to them, special declaratures are not passed on the same, which cannot be done, except particular persons be pitched upon in several parts of the kingdom, where these persons live, have their residence and estates, who might make it their work, and have some allowance out of the particular persons' fines for their encouragement; have therefore recommended it to ———— to take under his particular care and charge the executing the sentences of the council already passed, fining any persons within the bounds of the shire of ———— and royal burghs within the same, and executing letters of caption against such as are already declared fugitive, for convening persons not already cited, or not proceeded against, and for putting the sentences of inferior magistrates in execution: with full warrant and commission to nominate such a person or persons for whom he will be answerable, as will vigorously go about that service, and uplift and exact the fines and escheats; which persons are to proceed according to the instructions given herewith, and he is to call before him the person or persons nomi-

is six pounds Scots for every tenant, and forty shillings Scots for every cottar or servant; as also, that neither they nor I shall contravene the sixth act of that same second session of parliament, in having any children of ours baptized with any save our own parish ministers, or others lawfully authorized conform to the said act, under the penalty of fifty pounds Scots for every tenant, and twenty pounds Scots for every cottar, *toties quoties*, and that neither I nor they shall be married by ministers not lawfully authorized, contrary to the 34th act of the first session of his majesty's first parliament, under the penalty of an hundred merks, *toties quoties*, and that I, and my wife, and my children in family, cottars and servants, shall not be present at conventicles, either in houses or in the fields, under the penalty contained in the acts of parliament and former proclamation of council, consenting thir presents be insert and registrate in the books of privy council, that letters and executorials may pass hereupon in form, as effeirs, &c.

nate, and require an account of them, that he may report to the council: and sheriffs and all magistrates are required to give speedy help and assistance to the persons thus nominate; and all officers of the standing forces and militia are to concur to the execution of the decreets of council, or inferior judicatories in the foresaid, as required, at their peril. And the lords declare, that upon lists given in of escheats not yet uplifted, they will cause them to be passed in their name, and they shall have one half of them, and one half of the fines of all persons within the said bounds, which shall be uplifted by their diligence, and the one half of the fines, not yet uplifted by sheriffs and other inferior magistrates, uplifted by their diligence; they always being countable to the treasury for the other half: and the lords will grant particular commissions to the said persons for uplifting the fines and escheats, conform to the lists given in to and approven by the council, or their committee, to stand in full force till repealed."

Instructions in pursuance of a commission given.

"You are to inform yourself of all persons guilty of withdrawing from public ordinances in parish churches, of keeping of conventicles in houses and fields, and disorderly baptisms and marriages, and send in a list of their names, designations, and the persons to whom they are tenants, to the clerks of the privy council, that charges may be given them to answer before the privy council, and the names of all intercommuned persons, to the end that they may be cited before the council. You may always convene and pursue any of these persons before the sheriff, steward, bailie of the regality, or magistrates of burghs within the bounds, as you shall think fit.

"When any summons are sent from the council for citing such delinquents before them, you must take special care that the messenger employed cause cite them personally, if possible.

"You are to prosecute diligently the uplifting of the escheats of such persons as shall be sent you in a list by his majesty's solicitor; and in order thereunto ye are to inform yourselves of the rents of their estates or sums due to them, and cause arrest the same, and cause advertise the debitors and tenants of their danger, if they pay after arrestment; and in case any of them do pay, you are to send in a list of their names to the solicitor, that they may be prosecute for breach of arrestment. 1677.

"You are to cause poind the goods of such persons as are fined, or shall be fined, and obtain decreet for making arrested goods forthcoming, and decreets of special declarature, and crave the sheriff, or other inferior magistrate's concourse, if need be.

"You are to call from his majesty's solicitor for the names of such as are declared fugitive within your bounds, and deliver the same in rolls to the judges and clerks of inferior courts, that they may be debarred from pursuit or defence in any action till they be relaxed.

"You are to apprehend and imprison all intercommuned persons or fugitives in your lists, and require the magistrates' or soldiers' assistance.

"You are to inform yourself of all persons fined before sheriffs or other magistrates; and if the fines be not uplifted, to call for them; and for this end you are to require lists from sheriffs and other magistrates.

"You are to inform yourself what diligence sheriffs and other magistrates use in prosecution of the laws against conventicles and other disorders, and report to the council.

"You are hereby authorized, upon application of any person or persons fined by sheriffs or other magistrates, or hereafter shall be fined upon your delation, to remit and discharge their fines, on their giving bond for their orderly behaviour hereafter, providing this do not extend to persons who are or shall be fined for disorderly baptism or marriage.

"You are from time to time to advertise the council, or committee of it, of all further expedients thought needful, for putting the laws against disorders in execution; and once every three months to send an exact account of your diligence."

1677. *Follows the bond mentioned in the instructions.*

"I ——— as principal, and ——— as cautioner for me, bind and oblige us conjunctly and severally, that I ——— shall frequent the ordinances in my parish church, and I shall not go to house or field conventicles at any time hereafter, nor shall reset, supply, or commune with any intercommuned persons, under the penalty of ——— *toties quoties*. Add a clause of relief and registration as usual.

"*Nota*, The penalty is to be filled up according to the quality of him who gives the bond, as the person overseer shall see fit: and in case the person be so mean, that he cannot find caution, he shall take the person's own bond without caution."

It is almost needless to make any remarks upon this commission, and those powers. The narrative of the council commission refers almost to one thing, *to wit*, the want of knowledge of the lands of intercommuned persons; but the assumption and inference from these premises is very large, and almost every thing relative to the suffering presbyterians, is not only committed to these noblemen and gentlemen named, but they are enabled to subcommit their power again to as many as they pleased, to be inquisitors and oppressors of the country, and they have the greatest arguments given them to be severe in their impositions, the one half of the fines to themselves.

When the proclamation with the bond came west, the noblemen, gentlemen, and heritors, were very much alarmed with it. They reckoned it the hardest thing that could be, that they should bind and oblige themselves for those who were not in their power, and to be required to do impossibilities: they alleged that many of the counsellors themselves could not safely bind themselves for their own families, and how could country gentlemen be bound for such multitudes under such severe penalties. Upon this emergent, a great number of noblemen, gentlemen, and heritors of the shire of Ayr met; the earl of Loudon was chosen preses of the meeting, and after reasoning upon this subject, they agreed upon a letter to the council (a copy of which I have not seen,) wherein they excuse themselves for refusing a bond which they could not keep, and humbly propose another expedient for the peace of their country, and that was a further extending and enlarging the liberty to presbyterians; the letter was signed by the earl. This was taken so ill by the managers, that this excellent nobleman (of whom I have it affirmed by such who intimately knew him, that if he had had opportunities to have exerted his bright parts, he would have made no less a figure in the world than his excellent father,) after this was never in favour, and after several hardships, at length he took upon him a voluntary exile, and died at Leyden.* In Clydesdale the proclamation was no better entertained. Duke Hamilton was no friend to it, and, as has been noticed, in no good terms with the court. The heritors of Lanarkshire met at Hamilton, and unanimously agreed to refuse the bond. The requisition was truly so hard, that persons who had no inclination to conventicles, or any regard to presbyterians, would not go into it, were it only from a principle of saving their estates; they could not bind for their families, far less their tenants. Thus the proclamation met with rubs, and the

* He died in 1684, and at the very time when the council at Edinburgh were engaged in outlawing him and George lord Melville for non-compearance to answer to a charge of high treason. Fountainhall's Decisions, vol. i. p. 308. He married lady Margaret Montgomery, daughter of Hugh 7th earl of Eglinton: he was succeeded by his son Hugh 3d earl, who married lady Margaret Dalrymple, only daughter of John 1st earl of Stair, who survived her husband 46 years, dying in 1777, in the 100th year of her age, a lady of remarkable accomplishments. This earl died in 1731, and was succeeded by his son John 4th earl, who died in 1782, without issue, and was succeeded by the son of Sir James Campbell of Lawers (3d son of James the 2d earl), who married lady Jean Boyle, daughter of the earl of Glasgow, (who by her mother was heiress of Mure of Rowallan,) and by her was father to James Mure Campbell 5th earl of Loudon. He married Flora daughter of Macleod of Raasay, and dying in 1786 without issue male, was succeeded by his only daughter Flora Mure Campbell countess of Loudon (the 6th in the title), and who in 1804 married Francis Rawdon Hastings earl of Moira, and who in 1816 was created marquis of Hastings. They have a numerous issue. Douglas' Peerage. vol. i., and Mure's History of the House of Rowallan.—*Ed.*

bond would not go down till crammed, and the opposition made to the bond perhaps inclined the duke of Lauderdale to think of a new indulgence, as was noticed upon the first section, and to make some proposals anent it, which came to nothing through the virulence of the prelates, and only issued in a little softening of the severe instructions and commissions in August, at the council's meeting in October: with the account of which I shall end this section. Upon the 5th of October, the committee for public affairs bring in the following opinion to the council.

"*The report of the humble opinion of the committee for public affairs, concerning the way of prosecuting his majesty's laws, against such as disturb the government of the church.*

"It is thought fit and necessary for his majesty's service, that the laws against such disorderly persons be exactly but regularly put in execution, in manner aftermentioned.

"1st. That his majesty's advocate be special as to time and place in libelling against conventicles, and others pursued; but so as he may libel any day within four weeks, or any place within such a parish, or near to the said parish, for else conventicles may be kept upon confines of parishes, merely to disappoint his way of libelling.

"2do. When any person is convened upon a libel, that in that case he be only examined upon his own guilt and accession, seeing nothing can be referred to a defender's oath, but what concerneth himself, during the dependance of a process.

"3tio. That if any person who is cited, be ready to depone or pay his fine, he be not troubled with taking of bonds or other engagements; seeing the constant punishment of such as do transgress will supply the necessity of the bonds, and the law itself is the strongest bond that can be exacted of any man.

"4to. That the commissions granted to noblemen and others, in the respective shires, continue, and be vigorously executed; but that the pressing of the bond mentioned in the late proclamation be forborne, they always pressing vigorously the offenders, or giving in to the council the names of the chief heritors to be pursued, herewith, particular information of the facts and witnesses' names according to their instructions; the council having considered, that by a former proclamation heritors are to be liable for their tenants. 1677.

"5to. The noblemen and others commissionate in the respective shires, are to be authorized and empowered, in case any poor and mean persons, below the degree of heritors, do offer to give oath as to what conventicles they have been at, to uplift and receive their fines without necessity of process; and if they be already fined, denounced, and intercommuned, the said persons, upon obedience, as aforesaid, and sending in a testificate thereof, are to be reponed and relaxed from horning and intercommuning, and all other executions, without necessity of putting them to any bond; and upon application to be made to the council, by heritors and other persons above the degree of tenants, and upon their giving oath as to their particular guilt, and paying their fines accordingly, the council will repone and relax them from the horn, and all execution following thereupon: or if the said heritors apply themselves to the respective commissioners, and give their oath, and pay their fines to them, upon certificates from the commissioners of their obedience, the council will repone and relax them from the horn, and all execution following thereupon. And the said commissioners are to be authorized to take their oaths, and receive the fines, for which they are to be countable to the council, conform to the council's instructions. And it is declared by the council, that the former instructions sent to the commissioners the 7th of August last, are to stand and continue in full force, except in so far as is hereby discharged; and this instruction is to be transmitted to the several commissioners, that the same and the former instructions may be the rule of their procedure.

"That the indulged ministers shall not be put to the necessity of seeking yearly warrants for their stipends, but that the heritors of the parishes where they live be authorized and appointed to pay their

1677. stipends, according as they serve the cure, in hail or in part; and if any of these indulged ministers shall be found to contravene their instructions, that the council proceed against them as they shall find occasion.

"LAUDERDALE, I. P. Con."

"*Edinburgh, October 5th*, 1677.—The lords of his majesty's privy council having heard and considered the above report, approve thereof, and appoint an act to be extended conform thereunto.

"ROTHES, Cancel. I. P. D. S. C."

Accordingly there was an extended act drawn, and doubles of it sent to all concerned. I have one in mine eye just now, under the clerk's hand; but it being just the above particulars, it needs not be repeated. This little breathing time to presbyterians, if I may term it so, soon went over, and was succeeded by a very black cloud, and the Highlanders were quickly brought down to execute the laws which had been thus a little slackened. No other thing as to the council's procedure offers, but what will come in upon the following section; unless it be, that in September the council "find a great many prisoners have lien long in Edinburgh and Canongate tolbooth, without receiving any dittay, and therefore order the advocate and the justiciary court to prosecute them." This was an act of justice, either to prosecute or dismiss; but within a little it was most common for persons to lie many months in nasty prisons, yea, several years, without any libel or prosecution; and a good many died under these long and harsh imprisonments. But I come to end this chapter by

SECT. IV.

Of the more immediate inlets to the Highland host, and preparative steps of the managers towards the end of this year, 1677.

THE sending down the barbarous Highlanders to waste and depopulate the western shires of Scotland, where the greatest numbers of presbyterians were, is so black a part of this history, and we have so lame accounts of it hitherto, that I shall give the larger deduction of this horrid scene of oppression and cruelty; and of design that the reader may have a full view of it, I have left the procedure of the council, relative to this, out of the former section, and give it all together, in as far as it was transacted this year, here, as an introduction to the account of the coming down of this host, in the beginning of the next year, that so the whole of this melancholy story may be together.

That I may draw down this account from its rise and springs, the reader by this time will have noticed, that a great, and, to be sure, the best part of the subjects of Scotland, were disgusted and uneasy by the introduction of prelacy, and the longer the bishops and clergy were known, the more were they hated. To calm and ease people under their discontent, the king was pleased, in the year 1669, to grant an indulgence to a good many parishes in the west country, where indeed prelacy was most generally displeasing. This issued in a general abstinence in these places, from these innocent meetings termed conventicles; for which, besides their known principles, the insufficiency and scandalousness of the conform clergy, afforded presbyterians an ample apology. Yet, in places secluded from that favour, conventicles were very frequent; but the carriage of ministers and people at them was so peaceable, and joined with all regard and deference to the king's majesty, and lawful authority, that abating their being contrary to the laws made to gratify the prelates, nothing of disloyalty could be charged upon them, even under the greatest severities exercised against the haunters of them, by imprisonments of multitudes of all qualities and sexes, finings, confinings, denouncings and intercommunings. A paper writ by a gentleman of very good intelligence at this time, says, "that by a sober computation it appeared, that before the end of this year 1677, near seventeen thousand were thus harassed."

This was the state of the country this summer, when the duke of Lauderdale came down; the views of which, with the prospect

he had of the fruitlessness of conversions by the soldiers and force, made him inclinable to interpose with the king, for an enlargement of his royal favour to his oppressed and yet peaceable subjects. No sooner did the bishops hear of this, but they used all the interest they had to stifle this design: they plied their friends at court in the duke's absence, aggravated the numbers of presbyterians, and insisted upon the pretended hazard from their being in arms at their meetings, and represented every thing they could think upon that might inflame the king against presbyterians. They were likewise very careful to improve some private animosities which were among our managers and ministers of state, to further their purposes; and the primate was, by his craft and cunning, extremely well fitted to play his game with both sides, and scarce ever exerted himself more than at this juncture. The duke, if at all hearty in this design, had not brought it to any maturity, nor laid his measures so as to be able to go through with it; and finding the prelates, and such who had packed cards with them, stronger than at first he imagined, gave up his design, and left the presbyterians to the fury of the bishops. In place of the indulgence, all that was done issued in the above overtures, October 5th, for moderating a little the rigid procedure against the suffering presbyterians.

Meanwhile the prelates and their party raised a mighty cry of the danger of their church, from an intended insurrection, which had not the least shadow of ground; and this they alleged was not to be prevented by condescension to dissenters, but by the vigorous application of force and violence. This story of a designed rising was mightily strengthened by a scuffle that happened in Fife at this time. In the beginning of October this year, the abovementioned captain Carstairs was chased off by some gentlemen in their own defence. This fellow had been for some time very busy against presbyterians in the east parts of Fife, and committed many severities: he had turned out the lady Colvil from her house, and obliged her to flee and hide for some time in the mountains and fields, which very much broke her health: he had most wrongously imprisoned not a few in that country: he went about most officiously, with about a dozen of men in company, without any commission from the king, having the alone warrant of the archbishop's single commission, under pretext of searching for denounced and intercommuned persons, and seized gentlemen's horses, and committed many disorders. Six or seven gentlemen, some of them obnoxious to the government for their nonconformity, met without any design I can learn, in the house of John Balfour, of Kinloch. I hear Alexander Hamilton of Kinkel, Robert Hamilton a younger son to Sir Robert Hamilton of Preston, whom we shall afterward meet with, and two or three more were there. Carstairs getting notice of them, comes up to the house with ten or twelve horsemen. The gentlemen had no previous notice of it, and one of them was accidentally at the door. Philip Garret, an Irish tinker, one of Carstairs's men, comes up first, and seeing a man at the door, without any provocation, or asking questions, fires upon him, and happily missed him, he getting into the house. Garret, a desperate bold fellow, dismounts and follows him into the house. By this time the gentlemen within were sufficiently alarmed, and one of them fired at Garret, and wounded him in the shoulder, and he fell. Carstairs and his men fired in at the windows of the chamber upon the gentlemen, and wounded one of them. It was now time for them to get out, and very briskly they broke out of the house, and attacked Carstairs and his men, who very quickly fled. They pursued a little, but no more blood was shed; only Kinkel's horse was shot, and Garret received some wounds with a sword, but they spared his life, which was more, I imagine, than he would have done to them, had they been in his circumstances; and he afterwards recovered. Carstairs comes, or sends an information to the council in his own way, and being supported by his patron the primate, this matter made a terrible noise; and the council find this an high act of rebellion, and resisting of lawful authority; while the gentlemen peaceably retired, having done nothing but in self- 1677.

1677. defence, and what did not exceed *moderamen inculpatæ tutelæ.* However, all of them, and many others not concerned, were cited before the council, and none compearing, they were denounced rebels, and this matter was charged on the body of presbyterians, who were not in the least concerned in it; and it was not so much as known for some time in the west country.

This scuffle fell in just when the bishops were seeking a handle to misrepresent the presbyterians, and they carefully improved it, and Lauderdale suffered himself to be carried down the stream, and being once embarked, violent measures were effectually pushed. I am told by a person I can entirely credit, who was at London at this time, that he heard from good hands, that the king was now very much pushed by the Whigs, and the affectors of liberty in this time of peace, to retrench the charges the kingdom of England was at in maintaining an army, and wanted a plausible handle for keeping it up; and that it was concerted in the cabinet council, that all measures should be taken to exasperate the Scots fanatics, as they were called, to some broil or other, that there might be a pretence to keep up the standing forces; and that the duke of Lauderdale was writ to, and acquainted with the design; and when he came up to court, towards the end of October, the project of gratifying the prelates in violent measures, and of bringing down the Highlanders, was brought to a bearing.* Whatever be in this, which at this distance I am not able to determine, the bishops in council pushed their design briskly, and very soon got this invasion on the west country brought about. And the council, October 17th, write a letter to the earls of Glencairn and Dundonald, and the lord Ross, to convocate the heritors of the shires of Ayr and Renfrew, and to fall upon some measures to bear down conventicles, otherwise they would be obliged to other courses. The letter itself is as follows:

"My lords,—There having been frequent informations sent in here, of extraordinary insolencies committed not only against the present orthodox clergy, by usurping their pulpits, threatening and abusing their persons, and setting up of conventicle houses, and keeping of scandalous and seditious conventicles in the fields, the great seminaries of rebellion; but likewise of the great prejudice that is like to arise to his majesty's authority and government, and to the peace of the kingdom in general: we did therefore think it necessary, in a frequent meeting of council this day, to require your lordships to send particular expresses with sure bearers, to call together the commissioners of the excise and militia, and justices of the peace, specified in the list here enclosed; and when they meet at Irvine, the 2d day of November next, that you seriously represent to them, how highly, in his majesty's name, we resent the foresaid outrages and affronts done to the government, in the shires of Ayr and Renfrew, which have been frequently represented to be the most considerable seminaries of rebellion in this kingdom; though none hath more eminently tasted of his majesty's clemency, nor hath his majesty indulged any shires so much as these; and albeit his majesty's service, and the quiet of the kingdom, would require such severe courses to be taken for curbing those insolencies, as might very much prejudge the heritors of those shires; yet his majesty and council being further desirous to make them inexcusable, and to the end that the kingdom may see that the prejudice of heritors shall arise from their own negligence: therefore we thought fit, that the foresaid persons should be called together

* Mr Wodrow's statement here derives a striking confirmation from the parallel declaration by the celebrated Frenchman Barillon, as stated by Sir John Dalrymple, in his Memoirs, vol. i. p. 194. "The duke of York," says he, "believes himself lost as to his religion, if the present opportunity does not serve to bring England into subjection. It is a very bold enterprise, and the success very doubtful. The king still wavers upon carrying things to extremities; his humour is very repugnant to the design of changing the government. He is nevertheless drawn also by the duke of York and the high treasurer." The friends of popery and arbitrary power wanted a pretext for keeping up a large standing army in the kingdom, and when they could not get this *in England*, they attempted it by means of a pretended insurrection in Scotland. All this shows *the tendency* in the rulers of both kingdoms, at this ill-fated period, to all the horrors of popery and the papal tyranny.—*Ed.*

in a meeting, and under characters allowed for that effect by act of parliament, that they may deliberate upon, and take such effectual course in the affairs of the said shires, and for quieting the same in obedience to his majesty's laws, (which are the true and only rule of loyalty and faithfulness) as may prevent the necessary and severe courses that must be taken for securing the peace in those parts: in which if they fail, (which will be thought strange, where there is no force to oppose them) we are fully resolved to repress by force, and his majesty's authority, all such rebellious and factious courses, without respect to the disadvantage of the heritors, whom his majesty will then look upon as involved in such a degree of guilt, as may allow the greatest degree of severity as may be used against that country. So expecting you will represent this to the meeting, and that they will show their ready compliance, we are your lordships', &c.

"Edinburgh, October 17th, 1677."

It may be necessary, before I go on to what followed upon this, to notice some things that will set the nature and design of this letter in a due light. The reader hath already observed with me, that the narratives of acts and proclamations, letters and other papers of this period, have as much many times in them agreeable to the party design of the paper, as to truth, and things are represented and aggravated quite otherwise than an ordinary observer of them, as they passed in the country, could take them up; and indeed for my share I cannot reconcile some of them with matters of fact I am fully assured of. Very much of this appears in the paper just now set down, and it was necessary to found the severe threatening here sent to the west country gentlemen, which otherwise had been altogether groundless, that they should aggravate and misrepresent matters. The west of Scotland was indeed the butt of the bishops' malice, because they would never cordially submit to them, and there the greatest numbers of the firmest presbyterians were; and now the prelates had the fairest opportunity to gratify their violent inclinations. Many gentlemen had refused the council's proclamation and bond of the 2d of August, already; and they well knew they would continue to refuse it, and therefore a narrative of this harsh nature here, must be made up some way to bear the inference they were to draw from it. And the council are made to say, "they have received frequent informations of insolencies, usurpations," &c. That the lords had such informations I am not to dispute, but all depends upon the truth of them; and though the primate himself should have given them, as to any thing appearing to me, they are false as to the two shires pointed at here; yea, the matter of some of them will bear me out when I term them so. To instance a little: as to insolencies, threatenings, and abusing the persons of the orthodox clergy, except it was one or two instances, and that on no small provocation, not one of these riots that have come before the council were in these shires, and indeed of late the personal attacks upon the curates were very few. The instances of invading of pulpits are yet fewer, that is, none at all, as far as I mind, in the preceding years; and had they been this year, no doubt council-processes would have been raised anent them. Where pulpits were vacant or deserted, it is owned, at the invitation of heritors and people, presbyterian ministers did sometimes preach in them; but I have no instances in those shires of their doing this, even where they were ill filled; in those cases they went to the fields. And then as to keeping field conventicles, and in houses, the gentlemen could not but wonder to find themselves singled out, and represented as "the great seminaries of rebellion" this way, when the most part of shires on the south of Tay were far more used to this than they: and the reason is plain, because, generally speaking, the indulgence prevented this, and it was very rare, if ever, at least till afterwards, that conventicles were kept in parishes where ministers were indulged; and except in some remoter parts, to which the indulgence did not reach, there were few or none; and there they had the same reasons with the rest of the nation. The only thing singular, and it 1677

1677. was not to these shires either, was to have set up conventicle houses, as they call them. And the truth of this was, that a few country people in a mountainous solitary country, without any concert with the body of presbyterians, had set up two houses of turf and thatch, (no "magnificent fabric," as we shall afterward hear them termed) to cover themselves from the severities of the weather. This was no greater matter than what was connived at within a few paces of cathedrals in England and Ireland, most frequently.

The gentlemen could not but complain, that these things charged upon them were partly false, and where there was any ground, other places were more deep in them than they; but the design was against the west, and the council's information behoved to correspond with it. In short, his majesty's government was in no manner of danger, or the peace of the country; for, as hath been observed, in prayer and sermons both, all loyalty was expressed by presbyterians, though I shall not defend any excesses run to some time after this. I cannot say indeed presbyterians were of opinion with the council, "That his majesty's laws were the true and only rule of faithfulness and loyalty," since they reckoned some of them sinful, and others harsh upon them, and contrary to the king's true interest, and rather to be looked on as things impetrate by the bishops, than the king's inclinations. They indeed reckoned the word of God and moral law, and what was agreeable thereto, the only rule, and not the will or law of any man, or society of men. In short, the thing sought of the gentlemen was not really in their power, to suppress and bear down conventicles; for though they had inclined to do so, as I hope the most of them did not, and durst not hinder the pure preaching of the gospel; yet their tenants and the body of the people, excepting the parishes of the indulged, were the persons who heard the gospel preached, and would not, without a superior force, be restrained from so doing; so that the council's argument, "That there was no force to oppose," is nothing at all to the purpose. But really the whole of this application to the gentlemen was at bottom nothing but sham, and a feint to be a colour for their own after severe proceedings, which, I suppose, at this very time, were resolved upon by some of them. And this appears evident to me, from a resolution I find recorded in the council books, the day before the gentlemen met, and without waiting for the return of their letter, which I insert.

Edinburgh, November 1st.—Upon some informations of some growing disorders and insolencies in the western shires, it was thought fit a proclamation be drawn in case of an insurrection, and the nearest Highlanders should be ordered to meet at Stirling upon advertisement by proclamation, and letters are to be writ to noblemen and gentlemen, to have their vassals and tenants ready, and at a call. It was further thought fit that arms and ammunition should be sent to Stirling. The forces at Glasgow are ordered to Falkirk, and new men are to be presently levied to complete them, and the soldiers ordered for the Highlands countermanded. These informations anent an insurrection were perfectly false, and, I doubt not, made up by somebody, to help on the prelates' cruel measures. What insolencies were committed since their letter, two weeks before, I know not; for any thing I can learn there was nothing singular. But this plainly shows, that they were so far from rendering the west inexcusable by their letter, that they were really jesting them upon the matter, and had resolved upon the Highland host beforehand in all events. I thought it necessary to give these remarks in the entry upon this first paper, and they will save me very much the labour of reflections upon the virulent narratives, and other papers that follow. I return now to the consequents of the council's letter.

The three noblemen were careful to obey their instructions, and got together the gentlemen of the two shires in the lists sent them. I have not seen the lists, but by the issue it does not appear that the gentlemen had the council's will for their law and rule. November 2d, they met at Irvine very fully, and after a good deal of reasoning *pro* and *con.* upon the council's letter communicate to them, and a serious deliberation upon the

state of affairs among them, and a cordial profession of their loyalty, for answer to the noblemen appointed by the council to deal with them, they came in unanimously to three resolves, "1st. That they found it not within the compass of their power to suppress conventicles. 2dly. That it is their humble opinion from former experience, that a toleration of presbyterians is the only proper expedient to settle and preserve the peace, and cause the foresaid meetings to cease. 3dly. That it is their humble motion, that the extent thereof be no less than what his majesty had graciously vouchsafed to his kingdoms of England and Ireland." This return was given by the meeting, to the noblemen who had convocate them, and attended at Irvine; but their lordships knowing how unacceptable it would be to the council, declined receiving of it; and the gentlemen would not alter their resolutions, and so the meeting ended. The three lords sent a return in writ to the council, which I find read and recorded November 8th. Their letter follows.

"My lords,—We received the council's order on Sunday last at night, and used all despatch in sending expresses, and went to Irvine yesterday morning, being Friday, November 2d, where we were very frequently met by all who were advertised, to whom we communicated the council's letter to us, desiring them seriously to deliberate thereupon, and to take such effectual course for quieting these shires, in obedience to his majesty's laws, and suppressing the disorders therein committed: which they took to their serious consideration, and continued together yesterday, and much of the night, and made their report to us, That after the consideration of the whole affair, it was not in their power to quiet the disorders; which they desired us to communicate to your lordships. We are your lordships', &c.

"Irvine, November 3d, 1677."

When this letter came, the refusal in it was very ill taken by the leading persons in council, at least they appeared to do so, though I question not it was according to the desire of some of their hearts, and what they waited for, as a handle to go on in their violent project against the west country; and they came now to follow out their design formerly agreed upon, of raising such a number of Highlanders, a barbarous savage people, accustomed to rapine and spoil, as might overrun and depopulate the western shires, in a time of profound peace: and to them they resolved to join some of the standing militia, an establishment founded upon the tender made to the king some years ago, act 25th, sess. 3d, parl. 1st, Charles II., wherein is offered, "a sufficient army, completely furnished and provided for; and, if need be, all betwixt sixty and sixteen, for accomplishing whatsoever service the king should be concerned in, through any part of his dominions in Scotland, England, or Ireland." By employing them at this juncture, they promised themselves, by the most rigid extremity of violence, to drive presbyterians to an absolute conformity, and compel them to strain their consciences to a servile compliance with whatsoever bonds and impositions it should please the bishops in council to propose. 1677.

This resolution seems to be gone into, as many of the violences of this period, without any express orders from court, whatever hints there might be before or after this, of which I am uncertain, but have been informed, that Lauderdale, when afterwards taxed with his severity, was heard to wish "the breast it bred into heal, for his share."* And therefore, the managers must

* We have already noticed the unprincipled character of Lauderdale, and we have now to express our surprise that he should so long have retained the good graces of some good men among the presbyterians. He seems to have assumed the mask of presbyterianism from selfish and hypocritical motives, or at least, his attachments this way were soon made to yield to considerations of crafty policy. He never forgot the supposed indignity that was put on him by the covenanters, in requiring to make public profession, in the church of Largs, of his repentance on account of his accession to the engagement against England, in 1648, under the duke of Hamilton; and in the course of his nine years' confinement in the Tower of London, his mind seems to have undergone a complete revolution, so that by the time of Charles' arrival in London, 1660, he was prepared to go all the lengths that were required in his keenest adherents. If he still seemed, for a season, to take part with his old friends, it was

1677. wait some time till the king's letter came down, empowering them to enter upon this barbarous scene, the materials of which probably were sent up to court from Edinburgh. In the meantime, they are not idle in preparing and disposing matters for executing of their design, being, no question, sure enough of a good return. Accordingly, the council, November 15th, appoint the guards to muster at Larbert-muir upon the 20th, and that the commissioners of the militia meet at Edinburgh upon the 19th, under the severest penalties. November 26th, they order four companies of soldiers to be quartered about Edinburgh.

November 27th, letters are appointed to be writ to the absent counsellors, to be present next council day, when, it seems, they were more directly to enter upon their design. The same day, they establish a post betwixt Edinburgh and Port Patrick, for corresponding with Ireland. To clear this establishment, I find by other narratives at this time, that when the king had repeated accounts laid before him, of the hazard of an insurrection, from the numbers of armed men at conventicles, which was in itself really groundless, he offered them the assistance of his English forces, and several troops were ordered to draw down towards the border: and the viscount of Granard, lieutenant-general of the forces in Ireland, had orders sent him to draw the Irish forces down towards the coast, and canton them there, to be in a readiness to come over to Scotland upon a call. But the zeal of our council prevented any need of foreigners, and their Highland host answered their barbarous projects a great deal better than regular troops. Next council day, December 6th, letters are writ to the earls of Huntley, Perth, and Airly, to put their men in a posture of marching, that they be in a readiness for a call. It seems they were now assured their orders were ready at court, and at length they came down. And December 20th, a letter from the king, of date December 11th, is read in council, by which they are fully empowered to act as they desired upon the western shires. This, as the foundation of their proceedings afterwards, though impetrate by themselves, I set down here, and close this year with it. It is intituled in the registers,

"*Letter from the king, anent the western and other shires, and suppressing disorders there.*

"Charles R.—Right trusty and well beloved, &c. We have been very much concerned at the accounts we have had, not only out of Scotland, but from several other hands, of the great and insufferable insolencies lately committed by the fanatics, especially in the shires of Ayr, Renfrew, stewartry of Kirkcudbright, and other adjacent places, and also in Teviotdale, and even in Fife, where numerous conventicles, which by act of parliament are declared 'rendezvouses of rebellion,' have been kept, with solemn communions of many hundreds of people, and seditious and treasonable doctrine preached against our person, and all under us, inciting the subjects to open rebellion, and to rise in arms against us and our authority and laws, unlawful oaths imposed, the churches and pulpits of the regular clergy usurped, by force invaded, and their persons still threatened with assassination and murder; and, what they have not formerly attempted, preaching-houses have been lately built, and unlawful meetings of pretended synods and presbyteries kept; thereby designing to prosecute their rebellious intentions, and to perpetuate the schism.

"These insolencies being so recent, have moved us to provide fit and timous remedies; and therefore we have appointed some of our English forces to march to the north, near the Scots border, and a part of our

policy, and not attachment, that influenced him. His base hypocrisy has appeared in many instances; but, perhaps, no incident shows it more clearly, than the trifling circumstance noticed in the text, as appears by a simple comparison of his conduct in this instance, with what is recorded of it very soon after, (see p. 467 of the History.) Burnet expressly says, that, immediately before the calling in of the Highland host "duke Lauderdale writ to the king, that the country was in a state of rebellion, and that it was necessary to proceed to hostilities for reducing them," vol. ii. p. 138. The king in reply leaves it to him and the council to do their best, and on this the Highlanders were called in.—*Ed.*

army in Ireland to lie at Belfast, near the sea-coast, towards Scotland.

"We have been with much satisfaction informed, that you have required the noblemen and others who have interest, and considerable vassals and following in the Highlands, and places thereto adjacent, to be in readiness, with what forces they can bring out, to rendezvous at Stirling, upon the first advertisement; which we do very much approve, and give you our very hearty thanks for your care therein. And whereas we are informed, that those noblemen have made an offer of a considerable number of horse and foot, to be in readiness to rendezvous at Stirling, and from thence to march with our standing forces, upon the first advertisement, for the prosecution of our service; and seeing we are fully resolved to maintain, preserve, and defend the government of the church in that our kingdom, as it is now established by law, and not to suffer our authority to be thus invaded and trode upon, nor longer to endure the insolencies formerly mentioned.

"Therefore we do hereby require and authorize you, to command all these forces beforementioned, both standing forces and others, to march to these shires and places beforementioned, so infested with rebellious practices, and there to take effectual courses for reducing them to due obedience to us and our laws, by taking free quarter from those that are disaffected, and by disarming of all you shall find necessary, and securing all horses above such a value as ye shall think fit, by causing the heritors and liferenters engage and give bond for their tenants, and others that live upon and possess their lands, that they shall keep no conventicles, that they shall live orderly and obedient to the laws; and by causing the tenants and masters of families give the like bonds, by causing every parish and the heritors of it, give surety that no conventicles shall be kept within any part of the parish, property or commonty, nor harbour or commune with the rebels, or persons intercommuned, and for keeping the persons, families, and goods of the regular ministers harmless; and that under such penalties as ye shall think fit, by causing all heritors, tenants, liferenters, and others, take the oath of allegiance to us, by using and prosecuting all other means and methods, and taking all other effectual courses for effectuating the premises, and putting at last an end to these insolencies and disorders; and, in case of resistance, that in our name you give warrant to resist them by force of arms. 1677.

"And for the more effectual prosecution of these our commands, that you punish the disobedient, or those you judge disaffected, by fining, confining, imprisonment, or banishment. And further, that ye place sufficient garrisons in all places where ye shall, from time to time, find it necessary. And if at any time hereafter ye shall judge, that these forces ye have prepared, are not sufficient for this undertaking, we do empower and authorize you to call to your assistance those of our forces now lying in the north of England, and the north of Ireland, one or both as you shall find cause; and for that effect we have given them our express commands to come to Scotland for your assistance, whenever they shall be advertised.

"And, lastly, we do authorize and require you, to call together our militia of that our ancient kingdom, horse or foot, or any part thereof, and to command and charge all heritors, freeholders, and others, and if need be, all betwixt sixty and sixteen, to come and attend our host, under the pain of treason, according to the ancient laws of that our kingdom; and that ye, in our name and authority, emit such proclamations as ye shall find necessary for this our service, from time to time. We doubt not your ready obedience to all these our commands; of all which we expect frequent and full accounts from time to time, and so we bid you heartily farewell. Given at Whitehall, December 11th, 1677."

This letter and these powers are what the primate was extremely pleased with, and was pushing for these many years, but more moderate courses had prevailed. I shall only notice, that the king plainly speaks of the bringing in of the Highlanders as their act, not his, and thanks them for it; that the great design in his majesty's consenting to this unprecedented method, was the maintaining and defending the prelatical estab-

1677. lishment, which being contrary to the inclinations of multitudes, needed violence to support it; and that there was no counteracting of his majesty, but only a refusal of obedience to his commands, as to the government of the church, among presbyterians: and lastly, new impositions are here allowed, not only bonds from heritors, but masters, and parishes, &c. as above; all which were vigorously executed next year.

CHAP. XIII.

OF THE HIGHLAND HOST, AND THE STATE AND SOME PARTICULAR SUFFERINGS OF PRESBYTERIANS, DURING THE YEAR 1678.

1678. Now I come to end this second book, with an account of the downcoming of the Highlanders, and other things this year, which, with the oppressions formerly mentioned, and some other incidents, made way for the second rising, which was dissipate at Bothwell bridge; the history of which will begin the next book. There was no provocation given by presbyterians, nor any occasion for this terrible instance of the prelates' fury, in this unprecedented oppression of the king's subjects, save the preaching and hearing the gospel, to which they wanted not altogether encouragement from some who went in heartily to this inroad upon them, and which they reckoned their civil as well as religious right. No question but our managers were some way on a lock: they had peremptorily established loathed episcopacy, the dissatisfactions with that establishment were every day growing, people's consciences will not be forced, and real principles are unalterable, and only confirmed and stiffened by violence and impositions: the affection of presbyterians to the gospel was heightened and inflamed by their sufferings, and, as has been observed for some years, their boldness increased, conventicles grew, and field preachers and preachings turn frequent. Now episcopacy must either be slackened, or the people destroyed; and we may easily guess which of the two a government, almost entirely in the hands of prelates, grated by the growth of those who disowned them, will choose; and at length it is determined, that these who will not bow shall break; and the bringing down of the Highlanders is thought the fittest way, by free quarter, to bring presbyterians to take the bond. The west country was their nest, and populous; but to make that a hunting field and desolate, in some people's eyes, was better than its continuing inhabited with such rebels to prelacy.

The bishops and their party had a double chance and venture in this expedient; either people's consciences would be subdued, and a tame subjection to prelacy brought about, which I can scarce imagine the more thinking part of the council expected; or, the oppression of the savages would turn wise men mad, and drive common people to a tumult and rebellion, and then a fair handle would be given, to make a sacrifice of them to the resentments of the prelates, and the duke of York would have a good large hunting field. But "men's thoughts are vanity;" neither of these succeeded according to their wishes, a better temper was kept, than almost could have been expected, by the oppressed people; and yet generally speaking they stood firm to their principles: and the issue was a greater abhorrence in many, of prelacy and prelates, as the authors and abetters of these extraordinary and unparalleled methods, and greater pity to the persecuted. And the gallant stand made to these oppressive courses, by a good number of the nobility and gentry in the west, was very honourable for them, and much exposed this politic. Upon this chapter, then, I shall give as large an account of the beginnings, progress, and removal of this Highland host, as the papers I have afford me; and it will be pretty large. Then I may come to consider the consequents and effects of this incursion, and damage done to the country thereby, and the approbation and accounts of it by the court: and after I have given what is relative to this matter all together, I shall give a relation of Mr. Mitchell's trial in the entry of this year, of the procedure against conventicles, and particular persons, and end this year by gathering up some other things, which come not

so properly in upon the former heads. These heads will afford matter for several sections.

SECT. I.

An account of the commission for raising the Highlanders, and some other things which passed before they actually marched.

It will be proper to begin this account with the commission of array, or for raising the Highlanders and militia. The managers having refused the first offer of bringing in forces from England and Ireland, they agree upon the levying and modelling an army themselves, known in Scotland by the name of the "Highland host." And upon the 26th of December last, a commission passes the seals at Edinburgh, which I have given at full length, in a note, * that I may not swell the history itself with papers which now come upon me in multitudes. The reflections formerly made will save me the trouble of insisting here. It was one of the branches of the sufferings of presbyterians, to be loaded in the public papers of this period, with most spiteful and false epithets. I hope the fair representation of plain matters of fact about them in this history, will be a sufficient vindication; and so I pass the common place reproaches of "nurseries of sedition, rendezvouses of rebellion," and others of that nature, as usual flourishes of the railing eloquence of this time. I have already noticed, that "the invading of the persons of the clergy, and committing riots on them," when examined, were many times found to be done by persons who were pleased to take on the mask of presbyterians, and were common robbers oft-times; and such practices was still disowned by the body of presbyterians. The charge of "invading of pulpits, and building 1678.

* *Commission for raising the Highlanders, December 26th*, 1677.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, to all and sundry whom it effeirs, greeting: Forasmuch as our royal government hath been of late much affronted, and the peace of this our ancient kingdom much disquieted, by irregular flocking to field conventicles, nurseries of rebellion, by withdrawing from public ordinances, invading the persons and pulpits of the orthodox clergy, building of meeting houses, the killing, wounding, and invading of some that were commanded in our name to repress the said insolencies, we have thought fit, in maintenance of our laws, and out of that tender care which we have always had of this our ancient kingdom, to require and empower the lords of our privy council to call together, not only our standing forces and those of our militia, but we did likewise warrant them to commissionate and empower such noblemen and others, as did offer to bring any of their vassals, tenants, or adherents, to the assistance of our forces: and therefore we, with the express advice of the lords of our privy council, do hereby empower and require to convocate and draw together the gentlemen and heritors of who are to march under his command on horseback, and to convocate and raise the Highlanders in the said bounds, and others under his command, within his lands, property, or superiority, and to form them in regiments, troops, and companies, as he shall think fit, and to do every other thing necessary for raising and forming them, as said is; and they being so raised and formed, we authorize and command the said to march with them to Stirling, and to be there with them on Thursday being the 24th day of January next, and in his and your march there to take quarter for their money, and to force quarter for their money, in case the same shall be refused: and when they are arrived at the town of Stirling, the day foresaid, we hereby command him and them to obey such orders as shall be sent from our privy council their committee, or such person or persons as we or the said lords of our privy council shall commissionate to command our forces, and to march under their command wherever they shall be ordered: on which march, we hereby authorize them to take free quarter, according as our privy council or their committee shall think fit to order, and, if need be, to seize on horses for carrying their sick men, ammunition, and other provisions; and for their encouragement, we hereby indemnify them against all pursuits civil and criminal, which may at any time hereafter be intented against them, or any thing they shall do in our service, by killing, wounding, apprehending, or imprisoning such as shall make opposition to our authority, or by seizing such as they have reason to suspect, the same being always done by order of our privy council their committee, or of the superior officer; and particularly we do hereby give them all such power and indemnity, as is usual and necessary for such forces as are raised by authority, or are at any time commanded to go upon such military expeditions. And lastly, we hereby command any such persons living within the bounds foresaid, as shall be pitched upon by the said to arise and march with him under his command, and there to act and say as they shall be commanded by him, and that upon their highest peril. It is always hereby declared, that these heritors and others whom the said shall make use of to command the Highlanders on foot, shall be exempted from attending on horseback. Given under

1678. of meeting-houses," hath been considered likewise. As to what followeth, "the killing and wounding of some" who acted in the king's name; nothing of this kind was found, after the most diligent search, in the west country, to which this charge must relate: and the business of Carstairs and Garret hath been already narrated. There follows a clause in the commission, "noblemen and others, who did offer any of their vassals, tenants, or adherents, for the assistance of our forces," which deserves notice. I am well assured, that severals who in this commission, and subsequent proclamations, are said to offer their assistance, were indeed forced thereunto by absolute command, under the pain of rebellion and forfeiture. I do not question indeed but many of the Highland clans would very willingly offer themselves to take quarters, in a better soil than their own; but the question still remains, how far it was equitable and just to accept such offers of a people living by rapine and stealth, against loyal and peaceable subjects. The forces were under the military law, even the militia were under regulations, but the Highland vassals, tenants, and adherents, were a lawless company; every body knew it, and their actions were proportioned. This crew is ordered to take quarters for money in their march, that was, whatever they were pleased to give, *i. e.* none; for generally they had it not to give; and, where refused, to force quarters. They are beforehand indemnified for wounding, killing, &c. all such who made opposition to the king's authority. This is severe enough, when keepers of conventicles are made rebels. Next, they are empowered to seize all they suspect; and all that bore the name of presbyterians, and had any thing in their houses, were to the Highlanders suspect persons: and as if all this were not enough, all whom they please to pitch upon in the places where they come, "must rise and march with them, under the highest pains." After such a commission we need not be surprised to hear of dreadful ravage and barbarities exercised; and though these were very sad, yet I can scarce say they were much beyond the powers granted here.

All the copies I have seen of this commission have the names of the persons blank, because they were given to the commanders severally. The marquis of Athole, the earls of Mar, Murray, Caithness,* Perth, Strathmore, and Airly, gathered up what men they thought good, from the places they were concerned in, and my lord Linlithgow, with his regular forces, joins them at Stirling, and when passed that place westward, they live on free quarters, and press the bond, as we shall hear, disarm the country, seize upon horses, and leave garrisons where the committee of council, joined with them, see good. And the lord of Huntly is ordered to keep the peace in the north, and look after the Highlanders' houses and families, when they are about this sort of public service, of bearing down presbyterians in the west.

When matters are thus forming, several noblemen and gentlemen, evidently seeing the terrible effects of this method now entering upon, resolved to go up to court, and essay to inform the king truly of the present circumstances of Scotland. As soon as this took air, the bishops, and Lauderdale, now at Edinburgh, do all in their power to stop this, and, January 3d, they pass an act of council, discharging all noblemen, gentlemen, and heritors to go off the kingdom, without permission from the council, and

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our signet at Edinburgh, the 26th day of December 1677, and of our reign the twenty-ninth year.

Rothes, chancellor,	Ch. Maitland,
Lauderdale,	Geo. Mackenzie,
Douglas,	Will. Scot,
Murray,	Strathmore,
Winton,	Seaforth,
Linlithgow,	Aboyn,
Marshal,	Ja. Fowlis,
Ross,	Tho. Wallace,
Monro,	J. Wauchop.

* In the "additions" by Wodrow himself, we have the following notice by a literary friend. "Lest this should be mistaken for Sinclair earl of Caithness, it's my opinion it were not unfit that you notice that the laird of Glenorchy had at that time the title of the earl of Caithness, and kept it some two or three years; but the nearest heir male of the Sinclairs having the title of the earl of Caithness declared to be his right, Glenorchy got in room of it that of the earl of Braidalbane." This account is confirmed by Douglas in his Peerage, vol. i. p. 298.—*Ed.*

that under the highest pains; and requiring all betwixt sixty and sixteen to be in a readiness to join the king's host. It was no wonder this illegal step was taken to cover another, for we may suppose, if the king, when from under the management of Lauderdale, had got a just information of the state of things, he would have stopt this procedure. That the reader may not want a paper so much to the king as well as country's loss at such a juncture, I have insert the proclamation here.

"*Act prohibiting noblemen and others to go out of the kingdom without license, January* 3*d*, 1678.

"The lords of his majesty's privy council taking to their consideration, that upon the great disorders lately committed in some western and other shires, they did write to them, requiring them, in his majesty's name, to take such course therein as might secure the peace in these places, with certification to them, if they failed therein, they would employ his majesty's authority for doing thereof; which offer having received no satisfactory answer, and they having declared that they were not able to suppress the disorders, nor free the country thereof, his majesty did command and warrant his privy council, to arm such of his militia, and such others as should offer to serve him, for redressing the said disorders, and authorise them to charge all heritors and others, and, if need be, all betwixt sixty and sixteen, to come and attend his majesty's host, under the pain of treason, according to the ancient laws of this kingdom: in obedience to which his majesty's royal commands, the said lords have thought fit to send a committee of his majesty's privy council, to attend the forces so to be employed: and therefore, lest any person should withdraw from the said service, by going out of the kingdom, the said lords do hereby require and command all noblemen, heritors, and magistrates of burghs royal, excepting actual traffickers in burghs, to remain and continue within this kingdom, and not to remove forth thereof upon any pretext whatsoever, without special license from the council, as they will be answerable at their highest peril: and ordain letters of publication to be made, direct to the lyon king at arms his brethren, heralds, macers, pursevants, and messengers at arms, to pass to the market cross of Edinburgh, and other places needful, and thereat, in his majesty's name and authority, by open proclamation, make publication of the premisses, that none pretend ignorance: and ordain the said letters to be printed. 1678.

"LAUDERDALE, P."

And the rest of the lords of the sederunt.

Besides this proclamation, another method the managers took to stop the foresaid design, was, writing particular letters to persons whom they most suspected, ordering them to attend the king's host. Among others there was a letter writ to the duke of Hamilton, which I here insert.

"May it please your grace,

"We having received a letter from his majesty, commanding us to use his authority in arming such of his standing forces, of his militia, and others, who voluntarily offer their assistance in his majesty's service, we have, in obedience to his royal commands, resolved, that such of his majesty's forces as shall be thought necessary for that his service in the west country, shall rendezvous at Stirling, and from thence march to the western shires; and to the end all things may be done regularly and legally in that expedition, we have likewise resolved, that a committee of his majesty's privy council shall go along with his forces there. Likeas, we have resolved, that for the same reason the sheriffs and other principal officers in these countries, shall attend the said committee; and your grace being sheriff principal of the sheriffdom of Lanark, and bailie of the regality of Glasgow, we have thought fit hereby to desire and require you to attend the said committee at Glasgow, the 26th day of this instant, and to receive and obey such orders from the council or the said committee, from time to time, as shall be thought necessary for his majesty's service; hoping that in this extraordinary exigency your grace will express such respect to his majesty's interest, and obedience to his commands, as may encourage others

1678. who are engaged in that service." Signed, at command of the council, by your grace's most humble servant,

"LAUDERDALE, I. P. D. Con.

"Edinburgh, January 3d, 1678."

The duke of Hamilton was the nobleman of the greatest rank and interest in the west, and a privy counsellor; yet he is not, for reasons obvious enough, put upon the committee. And I find, January 21st, a letter from him is read in council, excusing himself from attending the committee, by reason of his indisposition; and the council send their orders to the gentlemen of the shire of Lanark, to meet at Hamilton when the committee requires them, and receive their orders.

Upon the 10th of January, the bond came in, signed by the shire of Fife, to the council, which was the leading card to the shires on the south side of Tay, and therefore I shall give some account of it. When the design of the Highland host was now formed, the chancellor Rothes went over in the end of December, and laid out himself to save his own shire, by prevailing with the heritors to take the bond. He wanted not abundance of difficulty among them; yet at length, partly by promises, and partly by threats, he prevailed with the most part of the heritors to sign the following bond at Cupar of Fife, January 3d, 1678.

"We the noblemen, barons, and heritors of the sheriffdom of Fife, underscribing, faithfully bind and oblige us, that we, our wives, bairns, and servants, respectively, shall no ways be present at any conventicles or disorderly meeting in time coming, under the pains and penalties contained in acts of parliament made thereanent.

"As also, we bind and oblige us, that our haill tenants and cottars respective, their wives, bairns, and servants, shall likewise abstain and refrain from the said conventicles, and other illegal meetings not authorized by law; and in case any of them shall contravene the same, we shall take and apprehend any person or persons guilty thereof, and present them to the judge ordinary, that they may be fined and imprisoned therefore, as is provided by the acts of parliament made thereanent; otherwise we shall remove them and their families from off our ground: and if we fail herein, we shall be liable to such pains and penalties as the delinquents have incurred by the law. And for the more security, consenting thir presents be registrated in the books of council," &c.

This bond signed was presented by the chancellor to the council, on the foresaid day; and though every body will think this a strict enough tie, especially for persons not in their power, yet the council find it unsatisfactory. There was at this time a coldness betwixt Lauderdale and Rothes; whether it was from this, or that they had another draught in prospect for the west country, I know not; but although both the primate and the chancellor defended this draught, yet Lauderdale over-ruled them, and a new draught is agreed upon, and sent to the heritors to sign: which I likewise insert here.

"We the noblemen, barons, and heritors of the sheriffdom of Fife, underscribing, faithfully bind and oblige us, that we, our wives, bairns, and servants, respectively, shall no ways be present at any conventicle or disorderly meeting, in time coming, but shall live orderly, in obedience to the law, under the pains and penalties contained in the acts of parliament thereanent. As also, we bind and oblige us, that our haill tenants, and cottars respective, their wives, bairns, and servants, shall likewise abstain and refrain from the said conventicles, and other illegal meetings not authorized by law: and further, that we or they shall not reset, supply, or commune with forfeited persons, intercommuned ministers, or vagrant preachers; but do our utmost to apprehend their persons. And in case our said cottars, tenants, and their foresaids shall contravene, we shall take and apprehend," &c., as in the former draught, which needs not be repeated.

This new bond is sent back to Fife to be signed; and besides the signing of this bond, I find the council, the said day, order a hundred men to be drawn out of the four militia regiments, and to march up and down the shire, and repress

and root out conventicles; and these are ordained to be maintained by the shire. The pretext of all this is, that in the shire of Fife Mr. Welsh began field conventicles, and from thence they spread through the kingdom. As far as I know, all was submitted to, as better than the Highland host.

January 15th, the council order a train of artillery to be transported from Edinburgh to Linlithgow, from thence to Kilsyth, and from thence to Glasgow: and a thousand merks were issued out of the treasury, for the charges of this needless transportation of artillery. They had neither fortifications nor armies to deal with, but a peaceable unprovided country. Upon the 18th of January, the council appoint a committee of their number, to attend and go along with the army, and grant them a very large commission and powers, which I have annexed in a note.* I need make no reflections upon it. The names of the persons to whom this power is given, were, the marquis of Athol, the earls of Mar, Murray, Glencairn, Wigton, Strathmore, Linlithgow, Airly, Caithness, Perth, and the lord Ross, eleven in number, of which nine of them were commanders of the army, and had brought down the Highlanders, and so were the more like to see to their own adherents and followers, and manage the host to good purpose. With this commission, the council join large and very remarkable instructions unto their committee, which being the ground-work of what follows, I insert them here. 1678.

Instructions to the committee for the west.

"1. You are carefully and vigorously to prosecute the commission granted to you by the council, being of the date of these presents.

* *Commission to committee of council in the west, January 18th, 1678.*

Charles, by the grace of God, king of Great Britain, &c., to all and sundry our subjects whom it effeirs: Forasmuch as we cannot but too well remember, that whilst we were engaged in a war abroad in the year 1666, many in the western shires were so undutiful as to rise in rebellion against us and our authority; and albeit, after the beating of their forces, we not only secured them by our act of indemnity, but likewise gratified them above all our other subjects, by indulging some ministers to preach among them, of their own pretended principles, expecting thereby not so much to have secured the peace of that corner of our ancient kingdom, as to have obliged these within these shires to have lived quietly and peaceably under us, from a principle of gratitude as well as duty, yet they forgetting both what we and they had done, did again return to the practice of their former rebellious principles, and by most seditious courses did disturb the peace, and contravene our laws; and we having again, by a new act of grace, discharged all pursuits against them prior to the year 1674, they, notwithstanding all these repeated favours, did again of late, either by themselves, affront our authority, as it is now established, by flocking together in field conventicles with armed men, usurping the pulpits of the regular clergy, and threatening their persons, building of meeting-houses, resetting and following declared rebels and intercommuned persons, who preach downright treason against our person, government, and laws, inciting our people to open rebellion, or connived at, or hounded out such as did so: notwithstanding of all which, such was the clemency of our privy council, that they did both invite and empower the commissioners of militia and excise, and other noblemen and gentlemen within these shires, to redress these wrongs, and to secure our government against the same for the future: with certification to them, if they failed therein, they should employ our royal power and force for effectuating thereof. And they having met and declared, that they were not able to repress these growing insolences, and lest our other good subjects in any of our three kingdoms, might be again involved in these fatal miseries (occasioned by such distractions), out of which they have but lately escaped, we have ordered the calling together of our standing forces, with some of our militia and Highlanders, whom we have commanded to march to these shires; and to the end that all things may be done there legally and effectually, we, with advice of the lords of our privy council, do hereby give and grant full power and commission to our right trusty and right well-beloved cousins and counsellors, the lord marquis of Athole, the earl of Mar, the earl of Glencairn, the earl of Murray, the earl of Linlithgow, the earl of Perth, the earl of Wigton, the earl of Strathmore, the earl of Airly, the earl of Caithness, and the lord Ross, to meet and sit as a committee of our privy council in these parts, with full power to them, or any five of them, which is to be a quorum, to issue out proclamations and orders, pursue and punish delinquents, apprehend and secure suspect persons, and cause such bonds be subscribed as they shall think fit; and generally all other things to do, with that same power, and in that same manner as if our privy council were all there personally present, with whose authority we do hereby invest them conform to the instructions given them by our privy council, of the date of thir presents, with full power to them or their quorum, to choose their own preses at such times, and so oft as they shall find convenient; commanding hereby all our good and faithful subjects to attend and obey them, as they shall be required, upon their highest peril, in the same way and manner as

1678. "2. At the first meeting at Glasgow, you are to require the sheriffs principal of the shire of Stirling, Wigton, Dumfries, and the sheriff-depute of Roxburgh, (in regard of the sheriff principal's absence,) immediately to convene the haill heritors, liferenters, conjunct fiars, and others within the shires, for subscribing these bonds mentioned in the following instructions, and appoint them to return an account of their diligence and obedience to you, betwixt and the 7th day of February next. You are also to require the sheriff principal of the shire of Lanark, bailie of the regality of Glasgow, the sheriff-depute of the shire of Renfrew, (in regard of the sheriff principal his absence forth of the kingdom,) and steward principal of the stewartry of Kirkcudbright, as also to convene the haill heritors, liferenters, conjunct fiars, and others within the said shires, regality and stewartry for subscribing the said bonds mentioned in the instructions following; and to cause the leaders of the horsemen of the militia-troops of these bounds, deliver up to them the haill militia-arms, swords, pistols, holsters, &c. and likewise the haill heritors, or other persons in whose hands they are, to do the like. As also, you are to cause the sheriff of the said shire of Lanark, bailie of the regality of Glasgow, sheriff-depute of the shire of Renfrew, and stewart of Kirkcudbright, to disarm all other persons, of what degree or quality soever, in these bounds, and to send in the arms, and all ammunition that is within the same, towns and villages, to you, to be disposed of as you shall be instructed by his majesty's privy council, conform to the following instruction. And you are to order the said sheriff, bailie, and steward, to report an account of their diligence to you, betwixt and the said 7th day of February; and you are to return to the council an account of these orders given by you, and of the obedience given thereto, at all possible speed; and you are not to disarm the shires of Stirling, Roxburgh, Galloway, or Dumfries, until further orders from the council.

"3. In prosecution of your commission, you are to go alongst with the forces appointed to rendezvous at Stirling the 24th of January instant, both standing forces, Highlandmen, militia, or others, and from thence to go to Glasgow, and from thence to the shire of Ayr, where you are first to get an exact roll of the names of all the heritors of that shire, and of all the heritors of all the jurisdictions, stewartries, bailiaries, regalities, and others that are within the bounds thereof.

"4. That you take special care, at your first coming to the shire of Ayr, to cause the leaders of horsemen of the militia troops of that shire, bring in to you the haill militia arms, swords, pistols, holsters, &c., and likewise the haill heritors or other persons, in whose hands they are, to be disposed of by you, as you shall be instructed by the privy council thereanent; and in case of their refusal or disobedience, to quarter upon the contraveners, and to inflict upon them such other punishment you find just: that in like manner you give orders for inbringing of all the arms whatsoever, and of all the ammunition that is within the bounds of the said shire, and jurisdiction lying therein, and of all towns and burghs within the same, that is in the hands and possession of any person whatsoever, of whatsoever degree or quality, whether heritor, tenant, servant, cottar, tradesman, or others whatsomever, to be disposed of by you, as is mentioned in the foregoing article: and, in prosecution hereof, that you give orders to the major-general, or the commanding officers for the time, and in the place, for seizing and searching for all such arms and ammunition; and, if need be, that you take the oaths of all persons havers of arms, either by yourselves or such as you shall appoint; and generally, that you use all other effectual means, and take all other courses for totally disarming of the said shire, as soon as possible. You are vigorously to prosecute all such, whether heritors

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they are obliged; and do now obey our privy council, which is settled, and usually sits here at Edinburgh; and we do ordain this our commission to last and endure ay and while the same be recalled by us or our privy council. Given under our signet at Holyrood-house, the 18th day of January 1678, and of our reign the 29th year.—Subscribed *ut sederunt*.

or others, as have been present at field conventicles, and all such as have convocate people thereto, since the 1st of January 1677, and all such as have preached or exercised at conventicles, or have invaded kirks or pulpits, or all such as have threatened or invaded the persons or goods of the regular ministers, and all that have been accessory to the building of preaching-houses, and all heritors, liferenters, and landlords, that have connived at the building of the said houses, since the 24th day of March, 1674 years, and to cause burn these meeting-houses, and rase them to the ground.

"5. You are to prosecute such as have withdrawn hitherto from the public ordinances, or that are guilty of irregular baptisms or marriages; and generally, that you put in execution all acts of parliament and acts of council made anent the disorders particularly above mentioned, according to the tenor thereof; and that you particularly censure and punish all other delicts and transgressions mentioned in these acts, and which are not here particularly enumerate; by which delicts it is not understood persons hearing of indulged ministers in the parishes to which they are confined.

"6. That according to the power of justiciary mentioned in your commission, you do criminally indict all rebels, forfeited persons, or such as you shall apprehend, who have taken arms, and all such whose crimes, by the acts of parliament, are capital and punishable by death, and inflict upon them the pains and punishments mentioned in the acts of parliament.

"7. That after you have received true and perfect lists of all the heritors, liferenters, and landlords, within the shire of Ayr, and haill jurisdictions lying locally within the same, that you summon all of them, without respect of persons, to compear before you, and command and require them, within such time as you shall think fit to prescribe, to engage and give sufficient bond and security to you and the council, whereby they oblige themselves for all their tenants, and others whatsomever, that live upon or possess their lands, that they shall keep no conventicles, nor be accessory to the keeping thereof, or convening of persons thereto, and that they shall otherwise live orderly and obedient to the laws, and that under such pecunial sums and other testifications, as you shall find cause; and in case of their postponing or refusing to give the said bonds and security, that you proceed against them, by fining, confining, imprisoning, banishing, or other arbitrary punishment, according to law, as you find cause. 1678.

"8. That you likewise bring before you, or any appointed by you, the haill tenants and masters of families within the said shire, and cause them give the like bonds, for themselves, their wives, and families, and likewise the men-servants to give bond for themselves: and all this not only for relieving the heritors or masters, but likewise for binding of the tenants themselves for observing the premises; and in case of delay or refusal, to proceed to punishment against them, as is prescribed to be inflicted upon the heritors, and that you use all other ways to get exact rolls of all the tenants and others abovementioned, either by ordaining the masters to give in the same upon oath, and by getting the rolls, which was the method for imposing the militia, or to take any other effectual way for a full discovery thereof.

"9. That you cause the heritors of every parish give bond for securing the persons and goods of their regular ministers, and that under such pecunial sums and other penalties as you shall find cause; and for avoiding of multiplicity of bonds, and saving of time, you are to consider, if this clause relating to regular ministers, may not be meet in the former bonds to be given by the heritors, and likewise in the abovementioned bonds to be given by the tenants and landlords, and their servants, and to proceed therein as you find cause, either jointly or separately.

"10. That if you find the former bonds do not sufficiently secure against conventicles, that you cause the heritors, liferenters, and landlords, within every parish, give security that no conventicles shall be kept within any part of their lands, property or commonty, nor harbour or commune with

1678. rebels and persons intercommuned, and the obligation be either included in the first bond, or taken separately, as you find cause.

"11. That you cause all magistrates of burghs, whether royal, regality, or baronies, and if need be, all landlords, heritors, and inhabitants within these burghs, give the like bonds and security, such as is mentioned in the 6th, 7th, 8th, and 9th foregoing articles, and that under such pecunial pains and penalties as you shall find cause.

"12. That you cause secure all horses above fifty pounds Scots price and value, so as the owners and others shall not be capable to have the use of them, in case of any insurrection or rebellion; and this either by causing the owners and their masters (if they be tenants) give security, that all horses above the foresaid value shall be put off the shire, betwixt and the first day of May next to come, and to take any other effectual course to make the said resolution, as to the horses, practicable.

"13. That at your coming to the shire of Ayr, or any other time, as you shall find cause, you give order to the major-general to quarter the officers and soldiers, horse and foot, whether standing forces, Highlandmen, militia, or others, upon all persons, whether heritors, tenants, or others, within and without burgh, excepting such persons as the privy council shall think fit to order to be free of quartering, and that such quartering be according to the tenor of the commissions granted to the several noblemen, who are appointed to bring together their Highland forces and following, and to such orders as the major-general shall receive from the privy council thereanent.

"14. That you give orders for placing sufficient garrisons in all houses and places within the said shire and jurisdictions therein, that you shall find necessary, and that these garrisons be furnished sufficiently in all things necessary, by such adjacent places as you shall think fit to appoint.

"15. That after you have prosecute your instructions in the shire of Ayr, and reduced the same to order, or sooner, if you find cause, or as shall be advised by the council, that you go from thence to the shire of Lanark, and from thence to the shire of Renfrew, and from thence to the stewartry of Kirkcudbright, and that you proceed according to the method mentioned in the foregoing instructions, which are hereby declared to be applicable to these shires and places, as well as to the shire of Ayr, so that whatever is mentioned in relation to that shire, is understood to be meant as to all these other shires and places, and not only so, but as to all other neighbouring shires, and adjacent places to these shires and places, that ye shall understand to be infested with such disorders, and you go or send to these places adjacent, and there to prosecute the foregoing instructions, or either of them, as you shall find cause.

"16. And in case it fall out, that any be so perniciously wicked as to rise in arms, or to continue in the prosecution of their field conventicles in arms, that you give order to the major-general to reduce them by force of arms; and that so many of them as shall be taken alive, by virtue of the power of justiciary contained in your commission, you cause indict them criminally, and, being found guilty, you cause inflict upon them the pains and penalties due to rebels and traitors.

"17. That what orders you give to the major-general and commanding officers, be subscribed by a quorum of the committee at least. All which orders so given you are to leave the execution thereof to the major-general, to be distribute to these under his command, as he shall think fit, wherein he is to do as he will be answerable.

"18. You are to cause all heritors in those western shires and places adjacent, and also all tenants, landlords, and masters of families, within and without burgh, and magistrates of burghs, all sheriff-deputes, steward-deputes, and bailie-deputes, and others that exerce any manner of jurisdiction, take the oath of allegiance to his majesty; and in this you are to consider whether they are to do this at the giving of the bond above-mentioned, or to leave it in the last place, and that because it will take up much time to convene so many persons over again; and in this you are to do as the case requires.

"19. You are to choose one of your number to preside among you from time to time; and what persons are cited or brought before the committee, the list of their names are to be signed by the president, when the warrant is given for citation; and, when the persons are called, the president is to observe that none be omitted, and that all bonds taken, and all acts done by the committee, and all the progress made in the foresaid service, is to be put in order, to be returned to the council to be approven, and to remain in record.—Subscribed *ut sederunt*, except the two archbishops."

By these instructions they are to manage the army, and give orders to the country, sheriffs, and other magistrates: and to complete all, and render them fully masters of the lives of the west country, as, by their army, they were of their liberty and fortunes, they or any three of them are clothed the same day by the council with a justiciary power, and commissionate to be a criminal court. I need not insert their justiciary commission, since it runs in common form, and we have had already copies of it after Pentland. But to save their own bacon and their friends, after all these powers at the same diet, "The lords of his majesty's privy council warrant and order the committee, to free all the lands of counsellors, and such as subscribe the bond, and obey the orders of the committee, from quartering." And the council appoint the first meeting of their committee to be at Glasgow, January 26th.

Every body knew, some weeks ago, that the general rendezvous of the forces was appointed at Stirling upon the 24th, and agreeably to this, the committee of council is ordered at Glasgow the 26th; yet, very surprisingly, the half of the regular forces, a squadron of horse, and four companies of foot, got secret orders upon the 9th; and upon Sunday the 13th of January, in time of public worship, came in upon the town of Glasgow, and made immediately a strict and narrow search for arms, and fugitive and intercommuned persons. The same was done, I hear, in the town of Edinburgh at the very same time. At Glasgow some persons were committed to prison, and, after a few days, released. There those forces took up their quarters, as harbingers to the Highlanders, and their carriage was high and insolent enough, but was obscured quickly by their followers. They themselves afterward owned this sudden attack of Glasgow, was upon a wrong information. The matter was thus: the bishop of Argyle and some others, (and indeed not a few of the marches of the soldiers were, upon the bishops' and curates' informations, oft-times ill grounded,) had represented that a communion was to be celebrated at Glasgow that Lord's day by the outed ministers, after which they were pleased to imagine to themselves, and frighten the managers with, the fancy that an insurrection was to follow. The real ground, if it may be called so, of this fright, was, that the presbyterians in and about Glasgow, ministers and others, upon the certain accounts of the Highland host, and the committee of council their coming west, expecting a very sharp and severe trial, had kept the Tuesday of that week as a day of private fasting, humiliation, and prayer to the Lord, in this time of distress and darkness. However, the story takes, and the soldiers are quartered at Glasgow, to prevent an insurrection, that was never once thought of by the presbyterians. John Anderson of Dowhill younger, at the revolution first provost of Glasgow, of whom before, was taken; the soaperie there was guarded, and closely searched for arms and ammunition, but nothing found, save that gentleman's sword and pistols. When they found their mistake, within a little he was liberate, upon bond and caution to answer when called to what should be laid to his charge. 1678.

I shall end this section with an account of some attempts of the gentlemen of the west country, to preserve themselves and their neighbours from this barbarous attack. I want the precise time, but it was about the beginning of this month, I suppose, and about the time of the application from the shire of Fife. The nobility and gentry of the shire of Ayr, apprehending this project of the Highland host to be chiefly levelled against them, thought good to commissionate nine of their number to come into

1678. Edinburgh, and represent to the council, "the peaceableness of their country, and that albeit their people were indeed addicted to conventicles, and thought they had principle and solid reasons for so being, yet this was only in these parishes which were denied the benefit of the indulgence; and that not only in their shire, but likewise in the better part of the kingdom, the same mild course, which his majesty had taken with his other kingdoms, would certainly prove the most infallible mean to put a period to these alleged disorders; which, even yet, they were not without hope to obtain from the benign disposition of their prince, and their lordships' intercession; that finally, as they were not conscious to themselves of a disloyal thought, so they could not discern the least tendency in the people to disorder or rebellion; and therefore humbly they deprecate that severe procedure of sending among them so inhumane and barbarous a crew."—When they came to town, Lauderdale, the better to make them understand they had now incurred his highest displeasure, would not so much as allow them access to speak to him, and would by no means hearken to any applications made by the mediation of others: and when it was proposed to him and others, that the standing forces only might be sent to execute the law, in which case some offered to engage for the peace of the whole shire, this likewise was peremptorily rejected; and the gentlemen were told that nothing would satisfy but their present signing the bond, and their obliging themselves upon the spot, that all the rest of the heritors should do the like. This was what the commissioners could not do,* and so they returned without being able to effectuate any thing in the errand upon which they came; nay, they could not so much as obtain a small delay of the orders to the forces to march, until the shire were met and acquainted with these terms now proposed. Thus the violent measures now resolved upon by the duke, at the instigation of the prelates, at all hazards must be execute: and accordingly, in the end of this month, the host marched, and harassed the west; of which I come now to give some account.

SECT. II.

Of the march, motions, procedure, and return of the Highland host, the pressing of the bond, and other actings of the committee joined with them, January, February, and March, 1678.

I COME now to the more direct relation of the proceedings of this host and army, which could not be prevented by any applications made; and I shall give as distinct a narrative of it as I can, from the papers I have met with, and intermix likewise the procedure of the council at Edinburgh, upon the accounts sent them from the west. Upon the 24th of January, the northern army rendezvous at Stirling, where, besides other pieces of rudeness, they raised fire more than once. The earls were their colonels, when regimented; their lairds and chieftains were their captains; their adherents and friends under-officers, and the very scum of that uncivilized country were their common soldiers: these, with the Angus militia, and some gentlemen from Perthshire, march from Stirling the 25th, and, with the regular forces, they are all at or about Glasgow the 26th. Their numbers were as follow. About a thousand foot of regular forces; the Angus militia and Perthshire gentlemen about two

* Burnet informs us, that "this put duke Lauderdale in such a frenzy, that at council table he made bare his arms above his elbows, and swore by JEHOVAH he would make them enter into these bonds;" and after detailing at greater length their tyrannical procedure in this matter, he adds, "these things seemed done on design to force a rebellion, which they thought would be easily quashed, and would give a good colour for keeping up an army. And duke Lauderdale's party depended so much on this, that they begun to divide in hopes the confederated estates among them, so that on Valentine's day, instead of drawing mistresses they drew estates, and great joy appeared in their looks upon a false alarm that was brought them of an insurrection, but they were as much dejected when they knew it was false." Burnet's History of his Own Times, vol. ii. pp. 65, 184, 185.—*Ed.*

thousand two hundred; and of the Highlanders about six thousand; the horse guards were eight score, and five other troops of horse, beside the several retinues of the lords of the committee and others waiting on; and a vast number of stragglers who came only for booty and plunder; so that, by an easy calculation, they may be reckoned ten thousand in all. They had no small store of ammunition with them, four field-pieces, vast numbers of spades, shovels, mattocks, as if they had been to have attacked great fortifications. They had good store of iron shackles, as if they were to lead back vast numbers of slaves; and thumb-locks, as they call them, to make their examinations and trials with. The musketeers had their daggers so made, as, if need were, to fasten upon the mouth of their pieces, and maul horse, like our bayonets, not yet brought to perfection. In this posture came they west.*

So formidable a company could not but put all the country into a mighty consternation, in a time of profound peace. They were surprised to find that real, the reports whereof they could not persuade themselves to have been any thing but threatenings, to fright people to an absolute compliance: and the amazement of the gentlemen and officers in the army, who were of any temper or reason, was little less, when they entered into a country perfectly peaceable and quiet, which had been represented, and they expected to find, up in actual rebellion.

At Glasgow the committee of council meet, and open their instructions, and fall about their work of disarming the peaceable country, and pressing the bond. And upon the 28th of January, they have the sheriffs of Roxburgh, Stirlingshire, Lanark, Renfrew, Wigton, Dumfries, and the stewartry of Kirkcudbright, before them, having been formerly ordered to attend, ready to receive their orders. The orders they give will best appear from their instructions, which follow. 1678.

Committee's instructions to the sheriffs, Glasgow, January 28th, 1678.

"The lords of the committee of council, empowered by his majesty's privy council to meet in the west, do, in prosecution of the commission and instructions given to them by the privy council, hereby require ——— sheriffs of the shire of ——— to convene the haill heritors, liferenters, conjunct fiars, and others within the said shire, for subscribing a bond, the copy whereof is signed, and herewith sent by the lords of the committee. And further, the said lords do require the said sheriff, to cause the leaders of the horsemen of the militia troops of that shire, deliver up to him the haill militia arms, swords, pistols, holsters, &c. and likewise the haill heritors, or other persons in whose hands they are, to do the like: as also the said sheriff is hereby ordered to disarm all other persons, of what degree or quality soever, in that shire, excepting privy counsellors, and all officers and soldiers who are under the king's pay, who are not to be disarmed at all, and excepting noblemen and gentlemen of quality, who are to have license to wear their swords only; the roll of the names of which gentlemen of quality the said sheriffs are to return to the committee. And for the more effectual disarming of that shire, the said sheriff is hereby ordained to do the same upon oath, as to what arms they have, and by all other means and ways for discovery hereof, and total disarming of the said shire, excepting as aforesaid, and send in the arms and all ammunition that is within the said shire, or within the towns and villages thereof, to ——— to be kept in the said castle till further order: ordaining hereby the said sheriff to report an account of his diligence and obedience in the premises, to the lords of the committee, betwixt and the 7th of February next. It is hereby understood, that all burghs both of regality

* "Upon this all the force the king had was sent into the west country, with some cannon, as if it had been for some dangerous expedition; and letters were writ to the lords in the Highlands, to send all the strength they could to assist the king's army. The marquis of Athol, to show his greatness, sent 2,400 men. The earl of Braidalbin sent 1,700. And in all 8000 were brought into the country, and let loose upon free quarter. A committee of council was sent to give necessary orders. Here was an army, but no enemy appeared. The Highlanders were very unruly, and stole and robbed every where."—Burnet, vol. i. p. 235.—*Ed.*

1678. and barony in the said shire, are hereby included.

"WIGTON, MAR,
STRATHMORE, GLENCAIRN,
AIRLY, MURRAY,
CAITHNESS, LINLITHGOW,
ROSS, PERTH."
ATHOLE,

The arms in the shires of Lanark, Dunbarton, and Renfrew, were to be delivered to the earl of Wigton, captain of the Castle of Dunbarton.

Copy of the bond, Glasgow, January 28th, 1678.

"We ——— faithfully bind and oblige us, that we, our wives, bairns, and servants respective, shall no ways be present at any conventicles or disorderly meetings in time coming, but shall live orderly, in obedience to the law, under the pains and penalties contained in the acts of parliament made thereagainst: as also, we bind and oblige us, that our haill tenants and cottars respective, their wives, bairns, and servants, shall likewise abstain and refrain from the said conventicles, and other illegal meetings not authorized by the law, and that they shall live orderly and in obedience to the same: and further, that we nor they shall not reset, supply, or commune with forfeited persons, intercommuned ministers, vagrant preachers; but shall do our utmost endeavours to apprehend their persons; and in case our said tenants, cottars, or their foresaids shall contravene, we shall take and apprehend any person or persons guilty thereof, and present them to the judge ordinary, that they may be fined or imprisoned therefore, as is provided by acts of parliament made thereanent, otherwise we shall remove them and their families off our ground; and, if we shall fail herein, we shall be liable to such pains and penalties as the said delinquents have incurred by law. Consenting thir presents, &c.

"Subscribed *ut supra.*"

Such who took the bond being to receive protection thereupon, were further appointed by the committee, January 31st, to subscribe this additional clause, "And I do further hereby oblige me, that I shall not own any persons, lands, or goods, but such as do properly belong to myself, under colour of the protection given unto me, and that under such pains and penalties as the council or committee of council shall impose, in case I contravene." I have in mine eye the list of such who signed the bond in the city of Glasgow, beginning with the magistrates; James Campbell provost, John Johnston, John Campbell, James Colquhoun, bailies; and except the counsellors and a few merchants, the rest are but tradesmen and mean persons, and the whole number in that large city but one hundred and fifty-three. The refusal of this bond was the pretext of all the vast desolation and severities, exercised at this time upon the west of Scotland; and all the power and influence of these booted apostles did not prevail upon many to take it. Some few indeed did sign it every where, who were willing to fall in with any thing which came about, but the most and best refused.

By the way, it may not be amiss here to observe, that it was as reasonable for presbyterians, some years ago, to press the covenants upon malignants who scrupled them, as it is in the managers to press this bond on presbyterians. It is not my province now to compare the matter of the one with the other here; the difference there is prodigiously great, there being evidently in the covenants nothing but what was agreeable to the moral law, and what people were really bound to, whether they had sworn them or not: neither will I take on me to vindicate any rigorous methods, said (perhaps upon no solid grounds) to have been taken to violent people to the covenants themselves; this is proper to be left to such as give us the history of the times wherein this is alleged to be done, who, I am persuaded, may give a very satisfying and reasonable account of any thing done by presbyterians, as a body, this way; though I profess it as my opinion, that force and violence is no proper way to deal with consciences: but certainly the procedure of this period, in

violenting people into the declaration, bond, and test, ought for ever to stop the mouths of the episcopal faction, as to their complaints of presbyterian severities in pressing the covenants, which they never did by a Highland host, when the power was in their hand. And I hope, after this, for their own sake, we shall have no more clamour from that side upon this score. It will likewise be remembered, that no longer since than October 5th, the council, when in a calm temper, give it as their judgment, that the pressing of this bond is to be forborne; and give a solid reason for it, "that the law itself is the strongest bond that can be exacted of any man." The sudden change in pressing this bond, thus laid aside, is not so much for the honour of such a body of men, and too great a proof that their counsels fluctuate. The cause is plain, the body of the nobility and gentry were against the bond, as what would ruin many of their tenants; the prelates were for it and violent measures, and prevailed at court, and so the change comes. Many were the papers written at this time against this bond: some of them are too large to be here insert. There was a short paper handed about, which contains a tolerable compend of the objections against the bond; and that the reader may have a taste of what was said upon this head, I insert it.

Objections against the pressed bond, 1678.

"1. The council hath no power to press this bond, or any other, upon the lieges, all their power being to secure peace, according to standing law, and to execute the law upon contraveners; and he who takes this bond, unless he were enjoined by king and parliament, owns and allows the assumed power of the council. Never was any bond imposed before this but by king and parliament.

"2. No man of presbyterian principles can take this bond, because it obligeth him to walk according to the law establishing episcopacy, and to take that to be a rule which he believeth unlawful; and conscience should not be forced and pressed without information before: and he who is of another judgment, and takes the bond, does thereby encourage the magistrate to press presbyterians to take it; and so allows men to be pressed and oppressed in their estates and persons, merely for differing in their principles as to church government. And it is to be hoped, tender-hearted episcopal men, and indifferent persons, will not allow this: yet he who takes it condemns him who does not. 1678.

"3. The bond obliges him who takes it, to give no relief to outed vagrant ministers, whereas sometimes they may be great objects of charity: and if we are not to shut our bowels of pity and compassion to Turks and pagans in misery, how can we suffer them to be shut up from a Christian, who only differs from us in a simple disputable point of government? especially when our Saviour's rule obligeth us to do good to all, especially the household of faith; and when our relations are vagrant ministers, this bond obligeth us to be unnatural.

"4. The bond obligeth us not to converse with them; and sometimes a man may be in that strait, that he must have them, when he can get no others, for the spiritual benefit of his soul; and I know not how we should be tied up from conversing with any not excommunicate: and who gave the council power to excommunicate! Sometimes this may tie up one from his nearest relations.

"5. The bond obligeth us to take and apprehend such as it speaks of; and how unsuitable is it for gentlemen, and most of the king's free lieges, to turn macers and messengers at arms! and who can be forced to that unless he please! We are only obliged to take traitors, or such as are guilty of lese-majesty.

"6. When the controverted thing is pretended to be matter of conscience, I do not see how any person can bind for more than himself; and consequently whoever takes this bond, binds himself to a thing impossible. And how shall any nobleman and gentleman bind himself to that which all the king's forces could not do?

"7. When the magistrate makes laws which a man's conscience will not suffer him to obey actively, he certainly ought to be content with the subject's passive obedience, or paying the penalty included in the said laws; or else the magistrate should appoint

1678. such scruplers to depart the kingdom: but it is hard to require active obedience, and force people to it.

"8. The alternative of the bond, either to do, or pay the penalties respective, will not answer objections, though it be the thing made use of; for nothing which we judge unlawful should be the alternative of a promise, but should be absolutely refused: if it were otherwise, a Christian in Turkey at this rate might bind himself under a great sum, not to bow his knee to Jesus Christ, and who would think the man a good Christian who would do so? Or the king's subject might at this rate bind himself to an usurper, to fight against his lawful sovereign under such penalty. I fancy the king would not take this shift off his hand, that he bound himself to the penalty, and not to actual fighting.

"9. He who by taking the bond promises faithfully to do such and such things, either intends to do them or not. If he do promise, and intend to do them, he must judge them lawful, and so must answer the former reasons: if he intend not to do the thing, he then faithfully promises to do what he never intended, and this is dissimulation and hypocrisy, and if he think the thing unlawful, it is not just to promise it; and who will afterward believe that man, who can tell that he never intended to do what he faithfully promises?

"*Lastly.* To take the bond only for fear of loss, and to put by an ill hour, is unworthy of a Christian, who should rather choose the sorest suffering than the least of sin; and should any man do ill that good may come of it? Such distrust and offend God."

That the reader may see how contrary the pressing of this bond was unto standing law, I have annexed* a minute of some reasons in law against the bond; and a larger and more full discussion of this matter, such

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* *Minute of some reasons in law against the bond,* 1678.

Besides what is spoken of the sinfulness of the bond, let us see what may be the judgment of conscientious lawyers of it, and of putting out the militia for the punishment of refusers to take it; who, as to the bond, will say, that it is illegal, unwarrantable, unreasonable, and imprestable.

1. That it is illegal and unwarrantable, 1st, Because it is not in the power of the council to impose such a bond, and that it is a great part of our fundamental liberty, that no such bonds be imposed without the warrant of an act of parliament, which may be gathered from the perpetual customs observed in such cases, wherein it has been the work of parliaments to frame and require such bonds; and acts made about them do so exactly design who shall be liable to these bonds, sometimes more precisely determining, as in the business of the declaration, and sometimes making a further reference to the council's pleasure, and authorizing them for that effect, as in the matter of the allegiance, the bond warranted act 1670, to be required of withdrawers for year and day, that our lawyers have all along supposed this power of bonds to be their proper and peculiar right. But, 2dly, It is statute by several ancient acts, as James I. parl. 3. c. 48. James IV. parl. 6. c. 76. and James VI. parl. 8. c. 131. That all the king's lieges live and be ruled by the laws of the realm: now, if this arbitrary power should take place, both laws and the power of making them might soon be rendered superfluous, and the council's power should soon surmount that of parliaments, for there is the highest reason that power of imposing bonds should only reside in king and parliament; and that as the king's prerogative has as yet been no higher screwed than that no bonds be made amongst his subjects without his privity and consent, so the people's privilege, not to be imposed upon in this kind, without their representatives in parliament, should also remain inviolable. But it is said, our council is warranted to impose this bond, by virtue of the first act of parliament 1669, against separation, which concludes with power to the council to do every thing they shall find necessary, for procuring obedience to the act, and putting the same to punctual execution, conform to its tenor and intent. *Answer.* In law that general provision being only subjoined to some particulars premised about the execution of the act, it cannot be understood to import more nor these parliaments, much less to import more than the whole act amounts to, but doth in effect only concern the better direction of particular cases and circumstances, that might occur in the execution of that act. 2do. It were a strange thing to extend a clause, so clearly limited, to the execution of an act, and according to its tenor to a plain derogation to, and subversion of our fundamental laws and liberties, so that by this rule the council might as well impose the declaration or any other bond they please, relating to presbytery or episcopacy, upon all the lieges without distinction. 3tio. By the said latter act 1670, against separation, there is a bond therein appointed but only for persons obstinate year and day, and the council is thereby expressly empowered to require it; by both which it appears that the parliament was far from thinking that the council, either of themselves or by virtue of the said act 1669, had power to impose the bond now in controversy.

2. They will say it is unreasonable, because, 1st, It binds the takers for persons not in their power, such as tenants, cottars, and for persons in their power, to things to which their power doth not extend, such as matters of conscience are. A man may indeed be bound as to others

as are at leisure will find below.* And that I may put all that offers at present upon this bond together, it may be further observed, that those reasons were so plain, that as it was but few presbyterians whom the violent measures at this 1678.

in things lawful, to use his endeavours, but here the thing is both unlawful, and endeavours do not relieve. The Lord has said, Every man shall bear his own burden, and he has expressly commanded, That the son shall not die for the father's transgression, and far less, *vice versa*, the father for the son's. 2do, It is unreasonable, because thereby all that take it are exposed to be wasted and ruined by their tenants, cottars, and servants, who may soon make them incur fines to the exhausting of their estates. 3tio, Because, if it should take full effect according to its design, it would turn all the nonconformists in Scotland, either to be vagabonds or beggars, neither would this be the end, but even these beggars may reduce their masters also to the same condition, which is doubtless far from his majesty's intentions so oft declared, but would be very prejudicial to his service.

3. They will say that it is imprestable, because the number of the nonconformists is very great, and though in such cases it be hard to make precise reckonings, yet it may be probably affirmed, that almost the whole west, the far greater part of the south, very many in the east, and many beside, further north, are of this persuasion, which is more than enough to evince how impossible the performance of this bond will be to most of those of whom it is required.

As to the putting out of militia men in pursuance of the ends of the bond, it may be rationally supposed they will say, speaking consequently, that a person refusing this bond from conscience, cannot lawfully put out his militia, nor otherwise contribute to the employment of these forces, for the punishment of its refusers in obtaining of its end. They will belike, say 1st. That a private person ought not to be inquisitive into the counsels or actions of rulers, nor impertinently strict in the examination of their designs and reasons. 2do. That subjects ought to entertain all possible due charity for their rulers, and be ready to understand their proceedings with the fairest construction they are capable of. Nay, 3tio. When things intended by the rulers, as to matter of fact, are doubtful, and do not fall under the discovery of a sober search, that it should neither perplex nor demur the subjects as to the point of obedience: they will say as to the matter of fact, because if the scruple be in matter of conscience, then without all question the best and safest course is to forbear; but notwithstanding of all these their former resolution in the case in hand is right, seeing these considerations have not so much as place in it, but the matter of fact and conscience, to wit, the employment of these forces in a plain persecution, being so evident, that a refuser of the bond, and a complier with it, doth beyond all peradventure destroy what he has built.

It is true, they will say, the militia is established by act of parliament, and that this straiteneth beyond what concerneth the bond, yet to this reply, that if this militia (how conveniently soever or not established at first) be now evidently misemployed to violence, man's authority binds not against the Lord: they will also belike, affirm, that although the militia be legally established, yet this application and use making of it, is as illegal and unwarrantable as the imposing of the bond, and that the act of parliament offers the militia not only for foreign invasions and intestine troubles (which yet was much in all reason), but for any other service his majesty's honour, authority, and greatness may be concerned in, yet that in all probability the parliament did not then dream, that this would be extended to the present expedition, to invade and destroy peaceable subjects, and levy men in the midst of peace, and as it were on purpose to break it, and dissolve the very foundations of society and government; than which nothing can be more contrary to his majesty's honour, authority, and greatness. Beside that, they will say, in this expedition free quarter is allowed, expressly contrary to the provision of the act of parliament, asserting his majesty's prerogative in the militia, which says *in terminis*, the subjects always being free of the provisions and maintenance of these forts and armies, unless the same be concluded in parliament or convention of estates, act 5th, parl. 1. Charles II.

* *Letter containing reasons against the bond.*

Sir,—I see you desire to know my thoughts of this bond which the council presseth on heritors, and I know you need not my assistance for your clearing, but rather desire my concurring judgment in a case so plain and obvious; and truly 'tis my wonder, 1st, How the council came to require it, and next how any should agree to take it; for as to the former, I am told by lawyers, that there is no law for imposing of this bond, or punishing of the refusers; and that if the council do assume a power to impose bonds without law, and to inflict pains upon the refusers, then laws for ever hereafter will be useless, bonds being far more binding than laws. Beside that, it appears by all our acts of parliament about bonds, specially these about the oath of allegiance and declaration, that it is only proper to a parliament to prescribe bonds, and determine who shall take them; and that it is the utmost of the king's prerogative, that bonds cannot be taken by his subjects without his consent, so it is the subjects' undoubted privilege, that bonds cannot be imposed upon them, without their own consent in parliament: and truly, if it were otherwise, I see not why the council might not as well impose the declaration on all heritors, or, if they pleased, a bond renouncing the protestant, nay, the Christian religion, or if you will, a bond surrendering every man's life and fortune to their pleasure; for if once their power be allowed as to any thing without law, it is evident, that it may be extended in like manner to all things; law being the only bound and limit between the king and subjects, and without law all things being arbitrary and at pleasure. I know, it is said, that the act of parliament 1633, gives the council power to do whatever they shall find necessary for obtaining the conformity thereby commanded: but I am also told, that that clause

1678. time prevailed upon; so when by force and fraud some of easier tempers than others had taken it, many and bitter were their reflections upon it. I give but one instance, in the case of a very sensible countryman, who was surprised into it,

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is only a general for clearing of cases which might fall out in execution of that act, and could not then be determined, but that it were against sense to think, that the parliament did thereby give the council a power to bind men to more than they themselves commanded by their act: nay, further, that the parliament in 1669, in another act to the same purpose, have appointed a bond to be taken by obstinate withdrawers, for year and day, from their own churches, and authorizing the council to require it, which had been very needless, if the council had (either of themselves, or by virtue of the act 1663,) power to impose such bonds. But, Sir, I have further inquired what should be the certification against the refusers of this new bond; and the answer is, that they are to be reputed contemners of his majesty's authority; and for any thing that I see, if this shall be thought a good certification, his majesty may command what he will, and the disobeyers must be at his mercy; so that I cannot but still wonder, how the council have at this time resolved to impose this bond, which is both without law, and of so bad example. Beside, how unreasonable is it, that they should require men to bind for things without their power; and that a man should bind for his wife and bairns in matters of conscience, where they hold themselves only to God, and that a master should bind for his tenants, which are free men, as strictly as the severest laws did ever bind masters for their slaves? If the council had required men to bind to endeavour the conformity of these persons, it might have had some colour, but to bind men precisely for other men's transgressions, is without example; and the law of God in the strictest relation that can be, expressly says, That the son shall not die or suffer for the father's transgression, much less then the father for the son's, or the husband for his wife, and least of all the master for the tenants. I might also tell you, that it is not yet five months since the council declared, that bonds of this kind are not to be taken, seeing that the laws are, and ought to be binding upon all; and further, that if this bond should find a general compliance and performance, all the nonconformists, and many more with them, must necessarily be ruined, which will not only be contrary to his majesty's often declared intentions, but also very prejudicial to his interest and service. But I shall not insist longer on this head, it is indeed more strange to me how any should be found to take this bond, for I conceive that all may well be divided in conformists and nonconformists; and as for conformists, who may take the greater liberty, what should hinder them to ask at their imposers by warrant of what law this bond is required, and modestly to urge the things above mentioned, specially our old and frequent statutes, that all his majesty's subjects should be governed by his laws, and, consequently, not by bonds? And certainly were men but men, albeit conscience were not in the world, they would stand more upon this plea, and not surrender their liberties upon every demand; but it has been ever our fault, that we maintain not our laws, and therefore our laws maintain not us: but as to nonconformists, sure none that owns that name, or himself to be a favourer of that party, can in the least comply with this bond; for, 1st, It binds a man to all conformity, and in effect makes him as guilty as if he had been a consenter and voter to all the laws made about it, so that if he judge the laws unlawful, he cannot but judge his binding of all contained in the law, unlawful; since it is in effect the same as if he did subscribe to the law, which nevertheless the duty of subjection doth not require; it being clearly a different case for a man to profess himself subject to law, and to subscribe to a law, and there being many good subjects which both reason against, and vote against making of laws. 2dly, This bond binds a man for himself, and all under him, that they shall live orderly in obedience to law, which may be extended to all sorts of transgressions, and at least, by renewing of the bond, to laws as well to be made as made, and so not only to real transgressions, but to seeming transgressions also of unrighteous laws. 3dly, This bond binds a man not to reset or supply those whom Christ commands me to receive, visit, relieve, and assist as himself, and according to the doing, or not doing whereof, he hath declared that he will one day judge the world. 4thly, This bond throws fire into families, and divides the nearest relations, setting the husband against the wife, and father against the children, for the sake of the gospel, and so binding to that as a duty which our Lord hath foretold, as one of the saddest evils which the malice of the world should occasion upon the publishing of the gospel. *Observation.* If it be said the bond contains an alternative, and binds at most to pecunial pains; it is answered, 1st, That for a man's self, his wife, and bairns, the bond is not alternative, but binds him faithfully that he and they shall abstain from hearing the Lord's ministers, and conform to episcopacy. 2dly, Neither doth it contain any alternative as to the supplying or not supplying, or resetting of intercommuned ministers, or vagrant preachers, but binds a man simply not to supply or reset them, and further to assist to take them. 3dly, The bond is not, as to any part of it, alternative, but in effect binds in the first place faithfully and principally to conformity, and only to penalties for greater confirmation, and for easier execution. 4thly, The law of God commands, Exod. xxiii. 7. That a man keep himself far from a false matter, and the gospel doth often require that men should confess the truth before men, as they would have Christ to confess and own them before his Father in heaven, which certainly imports that no man should bind himself against the truth, albeit only under a penalty, seeing that this at least is a qualified denial of it. 5thly, If a man should bind himself not to worship God, or to worship an idol under a certain pecunial pain, would this alternative of a penalty excuse him before God, or relieve his conscience? or if a man should bind himself to rebel against the king, or to assist his enemies, or else pay such a penalty, will this alternative justify his loyalty?

Hugh M'Cutcheon in Ayrshire, and left and spread abroad the paper I insert below,* upon this occasion, which will likewise let us into the force and fraud used to cram the bond down poor people's throats. By virtue of these instructions the 1678.

Certainly no man of conscience or of loyalty can affirm either. 6thly, As the penalties of their laws for conformity are unrighteous, so I ought not to bind myself thereto, much less to exact the same of others, lest I make myself to partake of the sin of these unrighteous lawmakers; and it is one thing for a man to profess himself subject to the penalty of an iniquous law, and to commit the event to the providence of God, and another thing for a man with his own hand to bind himself to this penalty, and so to the temptation, which he should rather pray the Lord not to be led into, and by this means provoke his holy jealousy to abandon him to the sin also. Sir, these things are in themselves so clear, that I am sure there are thousands both of loyal and conformable subjects in Scotland, which dislike this bond, and would be loth, whatever may be their own persuasion or practice, to be the imposers and exactors upon other men's consciences of the things therein contained; how much more then ought every true nonconformist to abhor the very thought of it? but the greater regret is, that in effect the most part that take this bond do solve all their difficulties, with a plain resolution never to keep it, as if it were a matter of indifferency for men to promise any thing how sinful soever, providing they keep nothing. But I hope that all true men will consider, 1st, How that the promise, with a resolution not to perform, is a manifest lie, most contrary to the God of truth his express commandment, most pernicious to human society, subverting common trust amongst men, the principal ground of it; and, lastly, most derogatory to a man's honour, which ties unto truth, as the chief concern of it. 2dly, How just were it with God to abandon such mockers to their own delusions, and since they have not the virtue to refuse a sinful promise, to deny them also the strength to perform it? 3dly, The Lord requires that we should confess his truth before men, and it is said, that with the mouth confession is made unto salvation, how then dare any man think to appear before God who dissembles and denies his confession, with no better excuse, than that he mindeth to practice otherwise? 4thly, That bond doth not simply bind, but bindeth faithfully to perform the things therein contained, which is a more than ordinary asseveration, and may, in its full construction, amount to a promissory oath; but the matter is so plain, and this woful shift of resolving not to perform so absurd, that I have exceeded. I heartily wish that the Lord may keep all that are free, both from the temptation and snare of this sinful bond, and am very hopeful that all his true followers shall be taught by that anointing which teaches us all things, as not only to abhor this vile bond, but to keep themselves also from all appearance of evil.

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* *Hugh M'Hutchison's paper upon the taking the bond, May, 1678.*

I need not give an account how in that time, I was at my own house apprehended by a party of the Highlanders, and after some three or four days being kept prisoner at Maybole and Ayr, and brought before that committee, by whom being inquired anent the hearing of some honest ministers, and being at their meetings upon fields and in houses, upon confessing of all they posed me with; and I was very hardly threatened by some, and flattered by others, until at length that bond was presented to me as a most indifferent thing, the subscribing whereof would be a sufficient satisfaction for all the alleged wrongs I had done, which immediately I subscribed without any farther advisement, my deceitful heart suggesting unto me, that thereby I might rid myself from among the hands of my adversaries; and yet observing nothing in that bond, but within little space thereafter, before ever I came from my prison, I began to consider what I had done, where my conscience bearing me witness, that amongst many mercies that God had in my time trysted me with, it was a most special one, that ever I had the happiness to hear the gospel preached by his sent servants, called and qualified for that office, and the credit to have any of them in my house, and now by that bond I had given it under my hand, that I should not only give up with the preached gospel amongst the hands of these persecuted servants of Jesus Christ, but should also turn their persecutor and burrier; these and other thoughts so great upon me, that I could have no peace, until by these confused lines, I should publish to the world my recantation of so horrid an act. I know that in a short time, less than a quarter of an hour, I did before the lords of council, what I can never undo again all my days; for now it must go to the grave with me, and stand upon record when I am dead and gone, that in such a year, such a day thereof, I did give it under my hand, that I should abandon a solemn part of God's worship, persecute his servants, renounce my former vows and engagements, and in a word, acquiesce in all these dreadful acts and laws that now stand in force against the interest of Jesus Christ in Scotland: I say again, all that I can do, or say, or write, is a very poor salve for such a wound, and therefore I reckon sincere sorrow my best remedy. Only a word unto two sorts of persons. 1st, I obtest all in Scotland who have taken that bond, especially such as know me, and look upon it as a simple indifferent thing, that they do not think that by my taking of it, they are strengthened in their way and peace, either in taking or keeping; for hereby I do declare my recantation of that deed, and do proclaim unto the world that action, and myself in doing of it, both vile and execrable, and do solemnly witness I have had no peace since my taking thereof, except that I have some far off looks to have my interest again restored by the blood and intercession of that Saviour whose interest I renounced in that unhappy bond. 2dly, I obtest all in Scotland, that have not taken this bond, that they stand to their post, and that they be nothing ashamed of the cause and interest of the kirk of Scotland, because that some old professors of that cause, and I among the rest, in an hour of temptation, through ignorance,

1678. sheriffs acted, according to their different tempers, as we shall hear just now in their reports.

Little other thing was done at Glasgow, save the ordering the quarters of the army, and the administrating the bond to the inhabitants of that city, as has been noticed, and the giving it to nine timorous gentlemen, who, in order to procure protections from quartering, came in and offered themselves, anticipating the proper time of taking it, although the committee sat there ten days, and even on the Sabbath itself, in time of sermon: meanwhile they suffered the country round about to be ruined by the Highlanders.

While at Glasgow, I find a letter read from the committee in council, signifying their work and business is much over at Glasgow. This is read February 1st; and another letter comes of the date of February 3d at Glasgow, after the Highlanders are ordered to march to Ayrshire, bearing, "that they had sent the double of a bond, the same with that signed in Fife, to Roxburgh, Wigton, Lanark, Renfrew, Stirling, and Dumfries; but finding the shire of Ayr, and jurisdictions thereunto belonging, are in a condition far different from that of the rest of the shires, in regard the council having given warrant to the commissioners of excise and militia to secure the peace, and free the country from disorders, they did not give that obedience which became them: and considering that they were instructed to go a greater length with them in the first place than with others; they tell the council, we have drawn the draught of a bond for that shire, which if your grace and the council approve, or give order that the first bond be subscribed, we shall be ready to proceed accordingly. We have also sent a copy of the letters to be made use of against delinquents." This perhaps may have been the first proposal of the bond of lawborrows we shall presently hear more of, and the charge and indictment to be used; and this proposal seems to have come from the committee, at the instigation perhaps of some others, by whom they were pushed to the most violent measures. However, the council the same day make a return, "that they think it fit they offer to the shire of Ayr at first the same bond with other shires, leaving the committee afterwards to require further bonds, as they see cause, according to their instructions: and they recommend to them to take the same course with the stewartry of Kirkcudbright, as with the other shires; and think fit they proceed to disarm the other shires, according to their instructions; and seriously recommend it to them to allow of no proposals that may be made, to arm private persons or shires, on pretext of securing the peace." The committee were in no great hazard of soft measures, and so this last clause was well enough obeyed.

Upon the 2d of February, the host began to march westward, and against the 7th they were scattered all over Cunningham and Kyle. In the country round Glasgow, and in their march, and while in the shire of Ayr, they carried as rudely and insolently as if they had been a declared enemy in a conquered country. Some general view may be taken of the damage done, by itself: here I am but upon their march, and only notice, that whither ever they spread, they not only took the full latitude of the above

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weakness, fears, unwatchfulness, and infirmities, fainted and yielded, but rather let them study more of watchfulness, self-denial, and constant recourse unto the throne of grace, that they be not led unto, nor left in temptation, for that shameful breach I have made upon my own peace, my profession, and upon the credit of the followers of that despised interest of Christ in Scotland by taking of that bond. I hope the example of an old doted man will be but small ground of insulting to the adversary, and no great ground of discouragement to the friends of that interest. The example of Peter in such a case will be but small ground of glorying to the profane upon the one hand, or relief to the godly upon the other hand, if they should precipitate in that snare, far less the example of an old doting man such as I am. I shall say no more, but that all that fear God, and love their own peace, may stand to their engagements for the interest of Christ in the kirk of Scotland, and that therefrom they do not swerve upon the example of any, less upon my example in taking that unhappy bond: which action I do hereby again revoke, and do hereby promise, by the grace of God, to adhere to the old interest of the kirk of Scotland, in doctrine, worship, discipline, and government, according to the Confession of Faith, Catechism, and covenants of that kirk. In witness hereof, I do subscribe thir presents with my own hand at the Blackrow, the 22d of May 1678, before thir witnesses.

HUGH M'HUTCHISON.

narrated commission, in pressing horses for their carriages, not only from country people, but even off those who travelled on the road; but likewise would overturn loads they met with, and took the horses of labourers wherever they found them, without distinction; yea, every where almost they took them out of the very ploughs, and the labouring the ground was stopt all the country over; though by our law, agreeable to the divine law, Deut. xxiv. 6. it be criminal, even in the execution of a legal sentence, to poind horses or oxen during the whole time of labour. The loss, especially of the shire of Ayr, by this incursion, indeed cannot be reckoned; and the reader will remark, that the Highlanders are let loose upon them, even before the committee go west, or any offer of the bond is made them.

Upon the 7th of February the committee sit down at Ayr, and among the first things they do, the earl of Cassils is appointed to pull down the meeting-houses in Carrick. The earl had already, in obedience to orders, delivered up all his arms, save his walking sword. This he signified to the committee, and since he had nothing to defend himself in case of opposition, he begged that some of the soldiers, at least of the neighbouring gentlemen, might go with him to assist him: this was refused. Next, he desired he might have some of his own arms back in case of a rabble of the country people, or a tumultuary crowd, were it but of women in defence of their meeting-houses, might hinder or affront him; neither could this be allowed him. This made him demur a little upon so unreasonable a demand, till one of the members of the committee, a friend of his, whispered him in the ear, that there was but a hair-breadth betwixt him and imprisonment, if he made any further difficulty; whereupon he declined their orders no longer. But some country people having notice of what had passed, out of regard to my lord, saved him the labour, and they were turned down to the ground before the earl came. In the council registers, February 18th, I find it noticed, "That orders were given and execute by the earl of Cassils, for demolishing two meeting-houses in Carrick." We may hear more of this afterward in this case. 1678.

Their next work that day was to call for the returns of the sheriffs, anent the bond appointed to be made this day: the return from Dumfries and Nithsdale, it seems, pleased them best, and was voted satisfactory. The return from Renfrew was displeasing to them. Mr. Ezekiel Montgomery, whom we shall afterward meet with, was sheriff-depute, and his report was, that only two gentlemen, and these among the lowest, and three burgesses, had taken the bond; and a very small number of arms, by what was expected, were given up. Mr. Montgomery petitioned for a new day, and he would deal further in the shire, and begged the committee's sense of these words in his instructions, "that gentlemen of quality might be permitted to wear their swords." They told him he was to understand by gentlemen of "quality, only those who took the bond." Which, when he desired might be given him under their lordships' hands, since he was but a servant, there were only three of them signed it, and withal discharged him to produce it, but in case of necessity. This shows there were in the committee who were for running matters to heights, and this was an article, it seems, they were not instructed in, and afterwards, upon their motion, had it sent them in their additional instructions, of which in their own room. The report from the shire of Lanark dissatisfied them most of all, so that the petition of the sheriff-depute was thrown over the bar. My information bears, that of two thousand nine hundred heritors and feuars in that shire, only nine of the former, and those of no great interest, and ten of the last, had subscribed the bond. The duke of Hamilton, lords Blantyre and Carmichael, did peremptorily decline it. In the more remote shires, the sheriffs, some of them pretending the copy of the bond had not come to them, waved a report, and begged a new day, both to present, the bond a second time, and to renew their inquiry for arms. This was granted, and they were appointed to interrogate every person upon oath, "Whether he

1678. had any arms? or disposed of any since January 1st, 1678: if gifted or sold? and to whom? or if hid? and where?" These queries were extended to all the shires, and, for the greater terror, the officers of the Highlanders in some places, were intrusted with this business; and the houses of noblemen, gentlemen, and others narrowly searched. Thus the whole country was turned naked, and utterly put out of case either to serve the king, or defend themselves, in case of intestine commotion, or foreign invasion. Some gentlemen indeed represented to the committee, that though they were most ready to yield their arms, yet, unless their lordships and the council would grant them receipts of what was given up, they understood not what assurance they had to give them up, since the whole country had been enjoined to provide themselves in militia arms at their own charges, and had done it, and not received them from the king's magazine; and they might as well be commanded to give the money out of their pockets. But all that could be said was to no purpose. Such reports, from the places where they resolved to have obedience, coming to the council, let them see, that the bond would not go down in the west, after all they could do: and this puts them upon new measures, probably some of them were advised to by the committee, especially the odd step of lawborrows.

Upon the 11th of February, the council issue out a proclamation, to forward the taking of the bond discharging masters to receive tenants or servants, without certificates that they have taken the bond. I have annexed it.* The design of it is plain enough, to prevent tenants and servants coming out of these places where the bond was pressed, to other places, and for making this imposition universal. The narrative of it is very bitter, and the public papers, since Sir John Nisbet's being laid aside, have a peculiar edge and flourish against presbyterians. It is cunningly enough insinuate, as if only the commons of Scotland had been withdrawn from their parish churches; but it is well enough known, that persons of very good note abstracted themselves, and a good many of the best quality in the kingdom, though now and then they joined in worship, were very much dissatisfied both with the prelates and their clergy. The presbyterian ministers are said "to assume impiously the holy orders of the church." To say nothing of the phrase, much used indeed by the papists, it is evident presbyterian ministers had been "impiously" laid aside from the exercise of the holy office of the ministry, and did not assume it, but had been regularly placed in it, not by the supremacy, but the laying on of the hands of the presbytery. If the penner had spoke of the then clergy, as in the "holy orders of the king," it had been pretty agreeable to fact. They are most groundlessly charged with "seditious and false doctrine and principles, not allowed in any protestant or Christian church." Such a charge needs better proof than the word of the compiler. If sedition be meant of any thing spoken or done against the illimited supremacy and episcopacy, it may be the ministers would not be very careful to vindicate themselves from this charge; but as to false doctrine and principles, &c. they

* *Proclamation against resetting tenants, &c. February* 11, 1678.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lyon king at arms, his brethren, heralds, macers of council, pursuivants, or messengers of arms, our sheriffs in that part, conjunctly and severally, specially constitute, greeting: Forasmuch as we have, for the preservation of the protestant religion, as it is now established by the laws of this our ancient kingdom, taken care that all unlawful meetings, upon pretence of religion, may be restrained, by which many of the commons of that our kingdom, have been for several years withdrawn from their parish churches, and been thereby deprived of the appointed means for their establishment in the true fear of God, and the duty they owe to us and our government, and have been seduced to keep seditious field conventicles in a tumultuous way, and other disorderly meetings, where they may and do actually hear declared traitors, intercommuned and vagrant preachers, and any who, without license or authority, do impiously assume the holy orders of the church, and make it their business to diffuse amongst the unwary and credulous multitude, seditious and false doctrines, and pernicious principles, which are destructive to all order and constitution of societies, by which

have been abundantly vindicated many times, and taught or held nothing but what was according to the holy scriptures, and our Confession of Faith, now since the revolution happily imbodied in our law, and made a part of our civil rights. The statutory part is, "that no tenant or servant be received without testificate of their carriage, agreeable to the bond annexed," upon the pain of arbitrary punishment; and a softening clause is added, discharging prosecutions after year and day. 1678.

The bond annexed to the proclamation is the same with what is above, unless it be that the word pains is taken out, upon the allegance that some scared at it, as importing corporal punishment. This bond was, February 11th, signed by all the counsellors present, and they appoint the lords of session to sign it when they meet. Such great

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these who frequent those meetings, are observed to be corrupted and poisoned with an open and obstinate contempt of all authority, civil or ecclesiastic, and to be led into most irregular practices, which are inconsistent with all order and government, and are not to be allowed in any protestant or Christian church; for remedying of which growing evils, and vindicating our authority and laws from such gross violations and affronts, we have commanded a bond to be subscribed, whereby heritors, liferenters, and masters, are obliged for their tenants, servants, and others living upon their lands, and they for themselves, for obeying such laws as may secure against schism and separation; and lest the same be eluded, and the heritors, liferenters, and masters prejudged by the tenants, servants, and others foresaid, deserting such as take the said bond, or lest the said tenants, servants, or others, may be encouraged not to take the same, upon expectation that after they are removed by their masters, or run away from their masters, for not taking the bond, or for going to conventicles, or withdrawing from public ordinances, or upon any other account, provided against by the masters' bond, they may or will be sheltered by others; we therefore, with advice of the lords of our privy council, do hereby require and command, that no tenants, servants, or others foresaid whatsomever within this kingdom, be reset upon another man's ground or in his service, without a testificate from the heritor, master, or from the minister of the parish where they live, that they have lived orderly, in manner foresaid; declaring hereby, that whatsoever heritors, liferenters, or masters, shall receive any such tenants or servants, or others foresaid, without such a testificate, they shall be liable to such fines as our privy council shall think fit to inflict suitable to their guilt, both for repairing the damage done to the heritor, liferenter, or master, and for punishing their contempt of this our proclamation. And to the effect our pleasure in the premises may be made known to all persons concerned, our will is herefore, and we charge you strictly, and command, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and thereat, in our name and authority, by open proclamation, with all solemnities requisite, make publication of the premises, that none of our lieges may pretend ignorance thereof. And ordain these presents, and the bond, and act of council underwritten, to be printed, and subjoined hereunto. The which to do, we commit to you conjunctly and severally, our full power by these our letters, delivering them by you duly execute and indorsed again to the bearer. Given under our signet at Edinburgh, the 11th day of February, 1678, and of our reign the 30th year.

Per actum dominorum secreti concilii.
AL. GIBSON, *Cl. Secr. Concilii.*

God save the king.

Followeth the tenor of the bond mentioned in the foresaid proclamation.

I undersubscribing, do faithfully bind and oblige me, that I, my wife, bairns, and servants respectively, shall no ways be present at any conventicles and disorderly meetings in time coming, but shall live orderly in obedience to the law, under the penalties contained in the acts of parliament made thereanent: as also I bind and oblige me, that my whole tenants and cottars respectively, their wives, bairns, and servants, shall likewise refrain and abstain from the said conventicles, and other illegal meetings, not authorized by the law, and that they shall live orderly in obedience to the law: and further, that I nor they shall not reset, supply, or commune with forfeited persons, intercommuned ministers, or vagrant preachers, but shall do our utmost endeavour to apprehend their persons; and in case my said tenants, cottars, and their foresaids shall contravene, I shall take and apprehend any person or persons guilty thereof, and present them to the judge ordinary, that they may be fined or imprisoned therefore, as is provided in the acts of parliament made thereanent, otherwise I shall remove them and their families from off my ground; and if I shall fail herein, I shall be liable to such penalties as the said delinquents have incurred by the law, consenting to the registration hereof in the books of his majesty's privy council, or books of any other judges competent, that letters and executorials may be direct hereupon in form as effeirs, and constitute my procurators.

Edinburgh, the 11th day of February, 1678.

The lords of his majesty's privy council do declare, that the heritors, liferenters, and masters, who have subscribed, or shall hereafter subscribe the bond above written, obliging them for their tenants, and others therein specified, shall be only liable for the penalties by the delinquencies of their tenants, and others foresaid, in case the tenants, and others for whom they are bound, shall be pursued and convict within year and day after the committing of the delinquencies, without prejudice to pursue the tenants, or others foresaid, themselves at any time thereafter, as accords. Extracted by me,

AL. GIBSON, *Cl. Secr. Concilii.*

1678. patterns had no great weight on the west of Scotland; and, by their informations from the committee, they find that there was no great prospect of making proselytes to this bond. And therefore, upon the 14th of February, the council make an act for securing the public peace, as they term it, which I have insert below,* as one of the odd stretches made at this time, and deserves some reflections, which would come better from one skilled in our Scots law, than the writer of this history. As an historian, I shall remark, that the managers were grated with the accounts of the general refusal of this bond every where. Beside those from the west, the reader had just now, in life, the earl of Crawford, the lords Balmerino,

* *Act for securing the public peace, February* 14, 1678.

The lords of his majesty's privy council considering seriously, that the greatest part of the disorders of this nation are occasioned by a seditious and schismatic humour in some western and other shires, which upon all occasions inflames them into great irregularities, and remembering how, albeit it might have been expected after his majesty's happy restoration, that the fresh remembrance of these insolencies which we suffered under a tyrannic usurpation (drawn upon us by the same seditious principles, which begin now to revive in those places,) would have inclined all his majesty's good subjects to live with great satisfaction quietly under his happy government, and to believe that the laws made by his majesty and their own representatives, were both the true healing remedies of these bygone distempers, and the safest means for preventing the like for the future; yet many in those shires did, by a most remarkable principle of disloyalty, rise in rebellion against their native prince, in anno 1666, when he was engaged in a foreign war: and though, after the beating of their forces, his majesty had extended his indemnity even to these rebels, and had so far gratified those shires, as to grant them an indulgence; yet they continued still to disturb the peace, and to spread their infection over the neighbouring shires, by assembling themselves in field conventicles, these rendezvouses of rebellion, resetting, maintaining, and hearing intercommuned preachers, and declared traitors, who infused in them openly and boldly rebellious and treacherous principles, by invading the persons, usurping the pulpits of the orthodox clergy, threatening, affronting, and injuring both them and such as adhered to them, and by disobeying and deforcing with armed men in a hostile manner, and even wounding and killing such as offered in his majesty's name to put his laws in execution: and to let the world see that they were fixedly resolved to adhere to these principles in spite of authority, and that they had settled themselves in a permanent form of government (as they imagined) they did hold sessions, presbyteries, and assemblies, established correspondencies, and, for perpetuating the schism, ordained and granted missions to preachers, built meeting-places, and taxed his majesty's subjects for their maintenance: and that they might cut off their proselytes from all dependance upon their native prince, against whose person and government they railed upon all occasions, they at last arrived at so great a height of rebellion, as to persuade the people that it was unlawful to take the "oath of allegiance." Whereupon the lords of his majesty's privy council, upon design to prevent these growing disorders, or the just severity which the authors thereof had deserved, did ordain the commissioners of excise, militia, and justices of peace within these shires, to meet and to propose such means as might effectually secure his majesty and the peace of the country: with certification, that if they did not, his majesty behoved to reduce them to their duty by force, and would look upon the heritors therein who refused to secure the peace (as said is), as involved in, and fautors of those seditious and disorderly courses. To which they returned no other answer, save that these disorders were grown to such a height, that it was not in their power to redress them; whereupon it was thought high time to acquaint his majesty with the present state of these his affairs here, who, to vindicate his own authority, and from a tender care of his people, whose security with that of his laws, he did foresee to be undermined by such pernicious contrivances and practices, did, by his royal letter, dated the eleventh day of December, 1677, declare his resentment against, and his detestation of these courses; and for suppressing thereof, commanded and authorized his said privy council, to proceed by force and arms, to reduce that country to their obedience, and to oblige them to give bonds for their own and their tenants living regularly and obedient to the laws; and particularly, that they should not go to conventicles, harbour nor commune with rebels, or persons intercommuned, and for keeping the persons, families, and goods of their regular ministers harmless, and that under such penalties as they should think fit. In obedience to which letter, a bond was accordingly drawn, only obliging the heritors alternatively, either to present their tenants, or to remove them; and declared, that they should be only answerable for their said tenants, if they were convict within a year after the committing of these delinqueneies. All which courses proving ineffectual, his majesty hath just reason to suspect the designs of such as have, or shall refuse or delay to take the said bond, as tending to overthrow his majesty's authority, to subvert the established order of the church, and to disquiet the peace of his majesty's good subjects: and since every private subject may force such, from whom they fear any harm, to secure them by lawborrows, and that it hath been the uncontroverted and legal practice of his majesty's privy council to oblige such, whose peaceableness they justly suspected, to secure the peace for themselves, their wives, bairns, men, tenants, and servants, which are the very words of all such bonds, and that under such penalties as they find suitable to their contempt, guilt, or occasion upon which such sureties are sought, and suitable to the qualities of such from whom caution is craved: therefore the lords of his

Melville, and Newark, stuck at it: in Stirlingshire, the earl of Callender, sheriff principal, and the viscount of Kilsyth: in Teviotdale, the earl of Roxburgh; and in all these shires, a great many barons and gentlemen, and many of the most learned lawyers, peremptorily refused the bond. The managers, therefore, to force a general compliance with the bond, fell upon this new and unprecedented method, by a most ignominious debasing of the prerogative and majesty of the king, to make him crave lawborrows of his subjects. A parallel to this I believe will scarce be found in any other law in other kingdoms. The import of lawborrows in Scotland, is, when two neighbours are at variance, the one procures from the council, or any competent court, letters charging the other to find caution and surety, that the complainer, his wife, bairns, &c. shall be skaithless from the person complained upon, his wife, bairns, &c. in their body, lands, heritages, &c. and before such letters can be granted, the complainer must give his oath expressly, that he dreads bodily harm, trouble, and molestation, from the person complained upon. This is not uncommon nor unreasonable among private persons; but that the king or the state should require this of subjects, and the meanest of them, who refuse an unreasonable bond, beside that this proceeds notoriously upon "a sinister narration, and wrongous information," the usual reasons for a suspension of lawborrows, it is wholly without example, and really in itself nonsense: it cannot but raise the highest jealousies between the king and his people, and declares him to be in dread of them, and makes him the complainer upon them to the council, and the council complainers to themselves. 1678.

Upon perusal of the narrative of this act, the reader will find it stuffed with the greatest bitterness and malice, and designed to expose presbyterians, and the refusers of the bond, to reproach and obloquy: and to be an apology for this unaccountable method now a taking, much of the matter in it has been already considered, and I shall only make a few cursory remarks further.—The western shires, in order to palliate present severities against them, are branded with "humoursomeness, schism, and sedition." It was a pretty strong humour indeed that made presbyterians suffer so much as they did, without rising in sedition and rebellion in its proper sense; and nothing but the force of truth could have supported them, and it was the sense of their duty to God and the king, made them bear so long. Next, *a la mode* 1661, all the tyrannical usurpations under Cromwell, are charged upon presbyterian ministers, who were the persons who opposed him most. The aggravating of the guilt of field meetings, from the indemnity, hath been already considered; as likewise most, if not all the branches that follow. The holding assemblies they never pretended to, sessions were allowed to the indulged, and no other kept them, and the same defences hold for their keeping of presbyteries, that is, meetings for exercise of discipline, and other proper ministerial acts that were advanced for their preaching. Their "taxing the subjects for their

majesty's privy council considering, that his majesty hath declared his just suspicion of those who refuse or delay to take the said bond in the terms foresaid; and the said lords, being from the whole series foresaid justly suspicious of the practices and principles of such as refuse the same, do ordain, that all such persons as refuse the said bond, shall be obliged to enact themselves in the books of secret council, that they, their wives, bairns, men, tenants, and servants, shall keep his majesty's peace, and particularly, that they shall not go to field conventicles, nor harbour nor commune with rebels, or persons intercommuned; and that they shall keep the persons, families, and goods of their regular ministers harmless, and that under the double of every man's valued yearly rent (if he have any), and of such other penalties as shall be thought convenient by the lords of his majesty's privy council, or their committee, if they have no valued rent, ordaining letters to be direct for charging all such persons as refuse to take the said bond, to enact themselves in the books of privy council, to the effect foresaid, and that within six days next after the charge, under the pain of rebellion, and putting of them to the horn; with certification to them, if they fail, the said space being come and bypast, that they shall be denounced rebels, and put to the horn for their contempt and disobedience; and ordain these presents to be printed. Extracted by me

AL. GIBSON, *Cl. Secr. Concilii.*

God save the king.

1678. maintenance," is both false and invidious; and they are also calumniously charged with "railing against the king, and denying the lawfulness of an oath of allegiance." The very covenants they maintained the obligation of, contain a strict oath of allegiance; many of them took the oath of allegiance, and none of them disowned the king's authority. The odium of sending an army upon the west country, is, in the next room, thrown upon the noblemen and gentlemen who had sincerely declared it was not in their power to suppress conventicles, and proposed the only habile way for this; which had appeared so reasonable, that the council themselves, till over-ruled, were convinced of the need of more moderate measures. *Lastly.* The "alternative in the bond" is insisted upon, as easy either to "remove or present" their tenants, when only three days ago, they themselves had taken away any force here by their proclamation.

After this long and invidious narrative, the council find the refusers of the bond to be "disaffected persons to the king's majesty," and declare them, by wholesale, "suspect persons;" and require them to enact themselves, &c. in the books of council, to keep the peace, not to haunt conventicles, or commune with intercommuned persons, and to keep the incumbents skaithless, under the penalty of the double of their yearly valued rent, and an arbitrary punishment to others, &c. as in the act itself at more length.

Such a rigour as this act bears, seems plainly designed to make a standing army necessary, which the primate and others, now finding the Highland host did not answer their expectations, pushed for, and saw would be a good mean of tyranny and oppression through the whole island. The springs of such unaccountable steps cannot, at this distance, be positively determined; but it seems plain, there was somewhat of larger extent than even to presbyterians, at bottom: and it was openly enough said, that some persons who durst not abide trial elsewhere, inclined to make their stay in Scotland necessary, by raising slanderous reports, and filling the court with apprehensions of seditious disorders and hazards, and by a numerous force here to overawe their enemies: and when the party who appeared against them were disabled, then would be a proper time to call a packed parliament, and therefrom procure a ratification of their illegal and criminal actings. How well grounded these jealousies were, I must leave to others; and shall end this account of this act, with the sense that people had of the lawborrows at this time, in a letter writ upon this subject, which sufficiently exposes it.* In short, king Charles I. was

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* *Letter on the lawborrows*, 1678.

Sir,—I am glad that you have received my last, and I hope you will keep and use it for yourself, as I intended it; for these are evil times, wherein a man by speaking or writing may far sooner wrong himself than better others. As for this new act and certification of the bond, wherein also you require my opinion, I will say nothing to its narrative, it speaks but too much for itself, and all that I find new in the case, is, that the council hath thought good to give some colour to their procedure from the form and style of lawborrows: and next, that as they seem to have abridged the former bond and its obligatory part, so they have much augmented the penalty. 3dly, That from the pretext and practick of lawborrows they also give warrant to charge men to enact themselves, or take the new bond, under the pain of rebellion. But as to the first, I shall not trouble you how decent or indecent it may be for rulers to require lawborrows of their subjects, the thing I rather take notice of is, that even our common lawborrows are not only founded on very clear reasons, and conceived in very reasonable terms, but also all expressly warranted by several acts of parliament, particularly king James VI. parl. 7. cap. 117, anent the form and pains of lawborrows, which is a further evidence of what I told you in my former, that it is a certain and fundamental principle both of our law and liberty, that neither bond can be imposed, nor pain inflicted, without the warrant of an act of parliament. 2dly, If the old act and form of lawborrows do warrant the present proceedings, why did not our council content themselves therewith, and then prosecute the contravenors and contraventions according to law? But they knew well enough, that neither would law nor reason make the going to a field meeting a breaking of the peace, at least such as hath always hitherto been understood in the case of lawborrows, and certainly in no case or construction to infer their exorbitant penalty of the double of a man's rent; and next, that albeit the council's practice had been (as this their late act says) to cause suspected persons bind to secure the peace for themselves, their wives, bairns, men, tenants, and servants; yet it always hath been understood, and for the most part is expressed with this qualifying addition, "and others of their causing, hounding out, resetting, command, assistance, and ratihabition," which this late act of council industriously omits, albeit neither reason nor law can make any person otherwise liable for another man's transgression; and this I think may satisfy you as to the first head, how little the

much blamed, for declaring his Scots subjects rebels; but the managers made his son ridiculous, in asking lawborrows from his subjects.*—Jointly with this act the council sent additional instructions to their committee at Ayr, which I shall here insert, as relating to the same subject, and given the same day. 1678.

late act and new bond is countenanced either by ordinary lawborrows between man and man, or the lawborrows and surety usual to be required by the council to preserve the civil and righteous peace of the realm. 2dly, As to the bond itself, I see, that albeit men be not required to enact themselves and the rest under them expressly to abstain from house-meetings, to live orderly, and not to supply vagrant preachers, but to assist to take them, as in the former bond, yet all the reasons above deduced to prove the former either unwarrantable, unreasonable, and impractable, do also strongly conclude against the second bond; and for the things that are left in it, they seem to many no less unlawful than the things left out. For, 1st, How can a man bind both for himself and all these exprest in the bond precisely, without any qualification, that they shall keep his majesty's peace, which is evidently of that extent that a man may be made liable for all the riots and other disorders against the peace, that either the bairn, tenant, or servant may fall into, albeit the same fall out never so sore against their will. 2dly, Many men doubt at present what and where his majesty's peace is, for they see clearly that the public peace is broken, the north being in an actual hostile invasion of the west, and really if men by binding to the peace, do become obliged to suffer all that the Highlanders have done, and that they and others may yet further do both there and in other parts, this may prove too heavy for their faith as well as to their patience. I grant it may be said, that if this peace be broke to any man thereto bound, it is also broke with him, and that just and necessary defence against a breach was never accounted a breach: but I am far more certain, that this is neither meant, nor could ever be received; but on the contrary to allege it, would be judged worse than any violation. But the second thing in this new bond is, "and particularly that they shall not go to field conventicles;" and here I am sure is plainly held out such meaning of his majesty's peace, as may not only satisfy any nonconformist that the keeping thereof is sinful, but may also convince all, that the extent of this enacting is in effect almost the whole import of the former bond, albeit here couched in more covert expressions, in as much as it is evident, 1st, That the not going to field conventicles is hereby declared to be a part and branch of his majesty's peace, and the going thereto a breach of it. Next, That albeit field conventicles be only here expressed, yet it is done in such a manner, as sufficiently infers, that both going to house conventicles, and withdrawing from the curates' kirks, are also understood to be the breaches of the peace, for this as well as the former are declared by the acts of parliament, 1663 and 1670, to be seditious practices, and it is upon this account and no other, that the not going to field conventicles is made a speciality of his majesty's peace, and not in my opinion by way of restriction, but rather by way of ampliation, and with clear intimation that all other things of the like nature are also here included. But, 2dly, Are not these field conventicles the very meetings of the Lord's ministers and people, sinfully and unjustly disliked by men, but no less visibly owned and countenanced by the Lord himself, who as he often held and kept such meetings while here present on earth, without being so much as once accused, either by the Romans these most ambitious and jealous dominators, or by the Scribes and Pharisees these most envious and cruel clergymen, as a peace-breaker on this account; so are these meetings now so much the more to be allowed and adhered to, that they appear to be as the glory of the Lord, not voluntarily removing, but driven away of men, and standing upon the mountains, and are also therefore the more persecuted, as if they were the only remains to complete the conquest of these, who have long since violently cast out the Lord's ministers, both from kirks, towns, and houses. I grant that there are laws against these meetings, particularly the severe act 1670, but who are they that affirm these laws to be just? Nay, how few are they in Scotland that do approve, or would consent and subscribe to the rigours of that act? and yet this new bond and enacting imports no less. I once heard a nonconformist say, that he could not compare that act to any thing better, than that water cast out as a flood after the woman fleeing into the wilderness, that she might be carried away by it: can any then, owning his principles by his own subscription, bind himself to it? 3dly, This enacting binds a man, not only not to go himself, but that others also, his wife, bairns, &c. shall not go, whereby a man in effect binds himself to be a constrainer and pursuer of others, and that in a matter of conscience, against all rules of Christian love, tenderness, forbearance, and common ingenuity also. Neither doth it avail to say, that

* "*Lawburrows*, from *burgh*, or *borgh*, or *borrow*, our old word for *caution*, surety, pledge; and meaning, security given to do nothing contrary to law."—Hutcheson's Justice, vol. i. p. 402. "The competency of using this writ, in the case of magistrates and communities, may have suggested, but can neither excuse nor palliate the issuing of it at the suit of the sovereign against his subjects. Even at a period when public and private rights were wantonly violated by a system of tyranny and oppression, this perversion of law, and degradation of the royal prerogative and majesty, scarcely appeared less ridiculous than at present, when the king and his people are reciprocally secure by the legal establishment of civil and religious liberty." Ib. p. 489. Sir George Mackenzie rendered the thing still more ridiculous by his grave defence of it, under the argument, that "there was no more surety to be found" for the king "than the ordinary surety of lawburrows," &c. See his Vindication of Charles II. Works, vol. i. p. 345. —*Ed.*

1678. *Additional instructions to the committee of council, now at Ayr.*

"That no means be left unessayed, to reduce the heritors and others to obedience,

a man may thus bind, and yet not constrain; for certainly he that thus bindeth, is bound to use his utmost endeavours according to that authority which he hath over the persons for whom he bindeth, which plainly amounteth to a constraint; and to say that he will not use these endeavours, is plainly to say, that he will bind but not keep, which indeed is no better than to renounce all truth, destroy all trust, and manifestly mock both God and man. I know, some think that it may here relieve, that a man doth bind here only under a penalty, and may beforehand resolve to pay the penalty, as the safer part of the alternative: but I have already discussed this subterfuge, which is in truth false, no pain being properly an alternative, specially in matters of this kind, not capable of a liquid estimation, and disingenuous, being plainly contrary to the end and meaning of the imposers, and that sufficiently expressed and signified, and lastly an open disavowing of both truth and righteousness, when the Lord, on the other hand, is calling to a faithful confession. The third thing in this enacting is, "Nor harbour nor commune with rebels or persons intercommuned;" and who are here meant every one knows; only to make the thing more plausible, the words, "ministers and preachers," set down in the former bond, are here left out: but having noticed this clause sufficiently in my former letter, I shall only desire you further to reflect, that if these, who receive not and relieve not Christ's suffering members, be doomed with that sad Depart, Matth. xxv. 41. of how much sorer punishment suppose ye shall they be held worthy, who expressly bind both for themselves and others, that they shall neither harbour nor commune with them? The fourth thing is, "And that they shall keep the families, persons, and goods of the regular ministers harmless." Why this was adjected, the thing being more than much established by the act 1669, is not easy to determine: in my opinion it hath been done, the better to answer the numbers, and to complete the cadence of a lawborrows; but the thing that I think more strange at, is, how that, seeing it is manifest by the said act, that the same was made to supply the king's authority, and secure these counsellors, who had emitted a proclamation to the same purpose two years before, yet our present council could adventure without a parliament, to stretch the things yet more unreasonably; for they bind a person by this enacting, to keep the minister harmless, not only within the parish, which is all that the act of parliament binds to, but indefinitely wherever he may be. 2dly, The said act insinuates, that using of means and diligence to apprehend the actors of such outrages may exoner the parishioners, and so the council hath been pleased to interpret it, but this enacting binds simply a man without any such qualification. 3dly, The act commands men only for themselves, but this binds a man, that not only he himself, but that his wife, bairns, (albeit ordinarily very impotent folk) men, tenants and servants, (though never so unable, and perhaps also, never so remote, both

who have not taken the bond, you are, according to the form of the libel (the indictment, a copy of which will be presently insert, and which, I suppose, was formerly

from the master and minister injured,) shall keep the minister harmless, so that in effect, a minister, or any of his family being injured, any fault may infer against a man as many forfeitures of the double of his yearly valued rent, as the number of his wife, bairns, men, tenants, and servants comes to, let them be all of them never so innocent; and the least care that a prudent man thus binding himself can have, is, to provide his minister with a sufficient guard at all times, and in all places, which I dare say, even the very framers of this bond did not intend. The 5th thing in the enacting is the pain, viz. under the double of every man's yearly valued rent, &c. which, 1st, may be understood, for every contravention that may fall out upon the bond, and so expose a man to be ruined by cottars and servants in a moment. 2dly, This pain is without all warrant of law, as to the several delinquencies that may be reckoned contraventions of this bond, which doth no way quadrate with, but may in many cases exceed the pain of lawborrows, albeit that afore these pains had been long arbitrary, as appears by the act James VI. parl. 9, cap. 117. they are by the act James VI. parl. 13, cap. 166, expressly determined and liquidate. 3dly, Albeit some of these delinquencies that may fall under this bond, be, by acts of parliament, left to the council's discretion; yet this pain of the double of the yearly valued rent, if understood (as it may, and ought to be, for any thing that appears to the contrary,) *toties quoties*, is most exorbitant and ruinous. The third thing that I remarked to be in the new act is, that under the pretext of lawborrows, it gives warrant to charge men to enact themselves, as said is, within six days under the pain of rebellion. But, 1st, Why so peremptory? might not at least ten or fifteen days have been granted according to the ordinary style of the council letters, these being indeed no letters of lawborrows. 2dly, I have already fully told you, that the imposing of both first and second bond is unwarrantable, and consequently this charge far more unwarrantable; and certainly if this practice be good, the council hath no more to do but to form a preface, and borrow new words of common style, and so issue out letters of horning, charging men, not only to take this new, or the former bond, but the declaration, or any other bond they please, were it even (for ought I can see) for borrowed money.

But, Sir, I weary you: were I charged upon this new act, and if my heart did not fail me, sure I am I would try a bill of suspension, and albeit I will not say, that I would employ all the reasons that I have touched; yet I think that there are several of them, and these the most material, that I both would and might make use of very safely, and perhaps also effectually; but as all the present proceedings are to me mystery and wonder, so there are two things further, that I may more especially wonder at, the 1st is, how it comes to pass, that there being so many and great pains statuted, and so much power given by acts of parliament against nonconformists,

sent in to the council, and by them returned to the committee) formerly sent, to insist against and pursue them who shall not compear to take the bond, or compearing, shall refuse the same, for all conventicles kept by them, their wives, tenants, servants, or others, upon their lands; as also, for withdrawing from the church, and irregular baptisms and marriages, and for all prejudice done to the regular ministers, in their persons and goods, in the parishes where they have interest; and that for all the days, months, and years, since the 24th of March 1674, and for these disorders likewise to pursue the tenants and others living upon their lands.

"You are likewise to pursue the said heritors and liferenters, for all conventicles kept on their own lands, since the 24th of March 1674, each conventicle being fifty pounds sterling; as also to pursue them, and their tenants, and others, for building, and convening at building of preaching houses; the fine to be arbitrary.

"You are to command all sheriffs, stewards, bailies of regalities, and their deputes, to take the bond themselves; and, in case they refuse, to proceed against them, of whatever quality they be of, as is mentioned in the former instructions.

"That all heritors who shall take the bond, be allowed to wear their swords; and that all heritors who shall not compear, being cited by proclamation or otherwise, to take the bond, or who compearing shall refuse the bond, shall not be allowed to wear their swords or any other weapons, whatsoever quality they be of. 1678.

"That after ye have removed from the shire of Ayr, and fully settled the same, ye go next to the shire of Lanark, and from thence to the shire of Renfrew, where you are to prosecute the same methods you have done or shall do in the shire of Ayr.

"It is earnestly recommended to your lordships, to be careful of the security of such as have taken the bond, or shall enact themselves for keeping the peace, and particularly those of the sheriffdom of Nithsdale, for the further encouragement of such as shall obey.

"That you prosecute the former instructions, in so far as they are not hereby altered or innovate."

Instructions anent the lawborrows.

"You are to represent, that if the bond be not taken, his majesty and council do so far distrust the refusers and delayers, as to crave surety of them, conform to this act: and whatever heritor compears, he must presently either take the bond, or, if he refuse or delay, he must at the bar be charged, upon six days, to enact himself. But it is the council's pleasure, that only the chief heritors shall be first taken with caption, they being first denounced, as is usual in lawborrows. If any compear not, you must charge them personally, or at their dwelling places, upon six days, to compear and enact themselves; and if they be absent, you must cause denounce them, and they will likewise be taken with caption.

"You will give order to charge such as refuse, in the shires of Renfrew and Lanark, so that the executions may be ready, before you be ready to leave Ayr.

"We hope you will observe the great inconveniencies that will ensue upon the not taking of the bond; for such as refuse will be liable in two years' valued rent, which is the certification, if they, their men-servants or tenants contravene; and, by

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even sufficient, if punctually execute, to exhaust and ruin them, the council have not contented themselves to keep within these ample bounds, but have so palpably exceeded and neglected all warrant of law, to the exposing of both his majesty's authority, which ought to be to all very sacred, and themselves who may be therefore called in question. And the second thing is, how it also happens that these bonds being so unwarrantable, unlawful, unreasonable, and imprestable, as they appear to be, (and that although neither conformity nor conscience were therein concerned,) and so many required, and like to be required to take them who are declared conformable, and every way free men, yet none have as yet adventured to oppose them, by these unquestionable reasons, and clear methods, which law doth so plainly allow, but on the contrary so many even of this sort have been found to take them; whereas it is evident, that if all had either unanimously refused, or if even these only which remain, should continue fixed, and silently only endure the hazard, the whole project of these bonds and courses had been, and would be most infallibly defeat and mistaken; committers and other actors undoubtedly would rectify themselves, which is certainly the most desirable and happy remedy. Adieu.

1678. and attour this, they will be liable for all the delinquencies of the tenants and servants, conform to former proclamations; whereas such heritors as take the bond, will be tenderly dealt with as to bygones.

"ST. ANDREWS, ROTHES,
GLASGOW, LAUDERDALE,
SIR GEORGE KINNAIRD, ABOYNE.

Signed "February 14th, 1678."

And that the reader may have all that relates to this subject of lawborrows at once under his view, I shall subjoin the indictment given to those who refused the bond, and the form of the charge of lawborrows.

Indictment.

"I John Schaw macer to the privy council, by virtue of and conform to the principal letters, raised at the instance of Mr. Roderick Mackenzie advocate, depute to Sir George Mackenzie of Rosehaugh, his majesty's advocate, summon and charge you ——— to compear personally before the lords of the committee of council, met at Ayr, by commission from his majesty's privy council, at Ayr, the 20th day of February instant, or where it shall happen them to be for the time, to answer to the libel raised against you, at the instance of the said Mr. Roderick Mackenzie, for your withdrawing from ordinances, and for being present at house and field conventicles, where Mr. John Welsh a declared traitor, Mr. George Johnston, Mr. Andrew Morton, Mr. Donald Cargill, Mr. John Rae, Mr. Edward Jamison, Mr. John Welwood, Mr. ——— Muir, or some others, outed and vagrant preachers, did take upon them the exercise or the office of the ministry, at least for convocating persons to field conventicles, at least for being married, or having children baptized thereat; at the least for harbouring, resetting, corresponding, and intercommuning with the foresaid persons, and other intercommuned persons; at the least for inviting or instigating these ministers unto these disorders, and to exercise the ministry in divers places; at the least for countenancing or communing with persons who did instigate these outed ministers to these disorders; at the least for building of preaching and meeting houses; at least for hounding out to, or countenancing these disorderly practices; at the least have had conventicles kept in your houses, or upon the ground of your lands; at least some of your tenants and servants have been at the said conventicles and disorderly meetings, for whom you are answerable, and have incurred like pains through their guilt due to them by law; and that upon the first, second, third, and remanent days of the months of April, May, and remanent months of the year 1674, of January, February, and remanent months 1675, 76, 77, and 78, or upon one or other of the days of the years and months foresaid, and to give your oath upon the verity thereof; and to hear yourself decerned to make payment of the penalties contained in the acts of parliament, made against the crimes above specified, or otherwise proceeded against, and punished therefore: with certification, if you fail, you shall be holden as confest: and to hear and see yourself decerned to give bond, that ye, your tenants and others living upon your lands, shall live orderly, and in obedience to the law hereafter: and to hear and see such order taken thereanent, as appertains, under the pain of rebellion, and putting of you to the horn; conform to the principal letters in all points, which are of the date the 14th of February, 1678.

"*Per actum dominorum commissionis,*
"JO. SCHAW, macer."

Charge of lawborrows.

"I Robert Leitch messenger, sheriff in that part, by virtue of our sovereign lord's letters, in his majesty's name and authority, command and charge you ——— who has not taken the bond, obliging yourself, your wife, bairns, tenants, cottars, servants, and others, that they nor you shall not go to conventicles, and the other terms therein mentioned, to compear personally before the lords of the committee of his majesty's privy council, met at Ayr, or wherever it shall happen them to be for the time, to enact yourself in the books of privy council, that you, your wife, bairns, tenants, cottars,

and servants, shall keep his majesty's peace, and particularly that you nor they shall not go to field conventicles, nor harbour or commune with rebels or intercommuned persons, and that you and they shall keep the persons, families and goods of the regular minister or ministers, in the parish in which you dwell and reside, harmless, and that under the pain of your doubled valued rent yearly, in case of failure: and in name and authority foresaid, command and charge you to enact yourself in manner and to the effect foresaid, within six days next after this my charge, under the pain of rebellion, and putting you to the horn: wherein if you fail, the said space being come and bygone, you shall be incontinently thereafter denounced his majesty's rebel, and put to his highness's horn, for your contemption and disobedience; conform to the principal letters in all points, which are dated at Holyrood house, the 14th of February, 1678, and of his majesty's reign the 30th year.

"*Per actum dominorum concilii,*
"ROBERT LEITCH, Messenger."

It is time now to return to the proceedings of the committee at Ayr. When at their desire matters are thus making ready for their work, the 19th and 20th of February, at Ayr, they are in the meantime forwarding matters in the shire, while the Highlanders and the army are wasting and depopulating the country round about them. Upon the 9th of February, the committee caused publish an act, commanding all heritors, &c. in the shire, to compear before the committee, at several diets, the 18th, 19th, 20th, and 21st instant, to take the bond. There were three acts made for the three jurisdictions, Kyle, Carrick, and Cunningham. A copy of their act for the first will be enough to be insert.

"*At Ayr, February 9th,* 1678.

"The lords of the committee of council, met in the west by commission from his majesty's privy council, do, in obedience to the said *commission* and *instructions* given to them, hereby require and command all and sundry the heritors, liferenters, and landlords, within the parishes underwritten, and magistrates of burghs royal within the same, viz. the magistrates and council of the town of Ayr, and heritors of the parish thereof; the heritors and others foresaid of the parishes of Monktoun, Craigie, Riccartoun, Auchinleck, Barnwell, Dalrymple, Symingtoun, and Muirkirk, within the shire of Ayr, to compear personally before the lords of the committee, upon the 18th day instant, within the tolbooth of the burgh of Ayr: as also the heritors and others foresaid, of the parishes of Mauchlin, Old and New Tarboltoun, Coiltoun, Cumnock, Old and New Ochiltree, Dalmellingtoun, Dundonald, St. Quivox, and Galstoun, within the said shire, to compear personally the 19th instant; and then and there to subscribe such bonds as the committee shall appoint, for the securing the peace and quiet of the country, and preserving the same from disorders hereafter: wherein the said persons are not to fail, as they will be answerable at their highest peril; and ordain publication to be made hereof, at the market-cross of Ayr, and the respective parishes foresaid, upon a Sabbath day after divine service, that none pretend ignorance. 1678.

"STRATHMORE, GLENCAIRN,
AIRLY, MURRAY,
CAITHNESS, LINLITHGOW."
MAR,

Accordingly I find intimations were made by sheriffs' officers in every parish, in the terms of the said act. I have before me just now the citation of the parish of Dundonald, and another citation to the heritors and whole parishioners of Dundonald, to meet at the parish kirk or kirk town thereof, the 13th day of February, and bring with them, their cottars and servants within their bounds, as likewise their arms of all sorts, muskets, pistols, swords, pikes, halberts, Lochaber axes, dirks, and the like, to be delivered upon oath, on pain of quartering. As likewise all the militia arms; and I doubt not the like summons were given to every parish in the shire. And, February 11th, the committee published a proclamation against harbouring or sheltering such tenants and cottars as should be removed by their

1678. masters for not taking the bond, under the penalty of six hundred pounds Scots for each tenant, and three hundred pounds for each cottar. This is the day when the council emitted the proclamation to the same effect, without specifying the fine, as we have heard; so well do the two meetings jump.

I come forward to the 19th, 20th and following days of February, when the heritors of Ayrshire were before the committee. A great number appeared, and very few took the bond, except the earl of Dumfries, Auchmannoch, and some few others of no great consideration, with the magistrates of the town of Ayr; and for their security, there was a bond of relief to the magistrates and town-council drawn up, and signed by the burgesses and inhabitants of Ayr, a copy whereof I have inserted in a note.* And I suppose the same practice was used in other burghs where the magistrates went into the bond. Vast numbers refused the signing of the bond with the greatest steadfastness and deliberation. They made the most ample declarations of their loyalty to his majesty, and begged that their pressing difficulties upon the bond now proposed might not be reputed as proceeding from any want of respect to the king, but from the force of what they had to say against the bond; and then gave a hint at the reasons which obliged them to refuse it: that the bond was in itself imprestable, that they knew no law obliging them to engage for their tenants, or to force them to go into it; and many other things to this effect. Upon their refusal they had the indictment above set down delivered to them, to answer in 24 hours before the committee; and the charge of lawborrows. One gentleman with some fervour refusing the bond, had his indictment and charge given him by the preses of the committee, with an assurance. that the Highlanders who were in another gentleman's land, who had now complied, should be presently removed, and put upon his, by and attour these he had before. The gentleman told them he had no answer to that argument, and could not help it; that he would answer his indictment the best way he could, but before he would comply with the lawborrows, he would go to prison.

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* *Bond of relief to the magistrates of Ayr, February*, 1678.

Be it known to all men by thir present letters, we

Forasmuch as the magistrates and counsellors of the said burgh of Ayr, have, by special order and command of the lords of the committee of his majesty's privy council, bound and obliged themselves and their successors in their offices, that they, their wives, bairns, and servants respective, shall no ways be present at any conventicles and disorderly meetings in time coming, but shall live orderly in obedience to the law, conform to the acts of parliament made thereanent; as also have bound and obliged them that the haill burgesses and inhabitants within the said burgh respective, their wives, bairns, and servants, shall likewise abstain and refrain from the said conventicles, and other illegal meetings not authorized, by the law, and that they shall live orderly in obedience to the law; and further, that they nor we shall not reset, supply nor commune with forfeited persons, intercommuned ministers, or vagrant preachers, but shall do our utmost endeavours to apprehend their persons; and in case we shall contravene, that the said magistrates shall take and apprehend any person or persons guilty thereof, and present them to the judge ordinary, that they may be fined or imprisoned therefore, as is provided in the acts of parliament made thereanent, otherwise to remove them and their families out of the said burgh; and if they fail therein they oblige themselves to be liable to such pains and penalties as the said delinquents have incurred by the law, as the said bond dated the 18th day of February last at length bears: and seeing the said magistrates and council have, in obedience to his majesty's authority, and for the good and standing of the said burgh, undertaken, and obliged themselves for them and their successors in their offices, not only for themselves, but for us the burgesses and inhabitants of the said burgh, for their and our regular and orderly deportment in time coming; and we being most desirous and ready ilk one of us, for our own selves, to give to the said magistrates and council such relief as is proper and incumbent to us, conform to the said laws of the kingdom in this particular, therefore we and ilk one of us for our own parts, bind and oblige us to warrant, free, relieve, and skaithless keep the said present magistrates and council, and their successors in their offices, of their engagement and obligement foresaid, made by them in our behalf, upon the several particulars foresaid, ilk one of us respective for our own parts; and in case we or any of us shall happen to contravene the obligement foresaid, made by the said magistrates in our behalf, we bind and oblige us, ilk one of us for our own parts, to warrant, free, relieve, and skaithless keep the said magistrates and their successors of their obligement above-written, and of all cost, skaith, damage, or expenses, they or their foresaids shall happen to sustain or incur therethrough in any sort, &c. with clause of registration.

Next day the refusers were called to answer to their indictment. My lord Cochrane was among the first called upon, and he signified to them, that he and others in his circumstances could not but be surprised with the shortness of the time they had given them; and having a lawyer to plead against them, he humbly pleaded, it was necessary their diet should be prolonged, and they have liberty to consult with advocates; and seeing they were called to depone upon a crime that might be capital, they could not be obliged to depone: whereupon the advocate past from that, and restricted his libel to an arbitrary punishment. My lord urged, that it was much to be doubted how far the advocate's passing from that part of the libel would stand; and although it did, no defender by law can be obliged to give his oath, where the punishment may be any way *corporis afflictiva, quia nemo est dominus membrorum suorum*, as very good lawyers urge. Upon this all were removed, and the lords gave their interlocutor on what was propounded. Imo, That as to the first defence, the council's diets were peremptory, and so they must answer presently. And as to the other, 2do, The lords make an act, declaring, that whatever the deponents declared, should never infer capital punishment. And yet it will be found the opinion of the best of lawyers, that neither the declaration of the pursuer, the advocate, nor even of the council, will be sufficient security to depone, since his majesty and the public interest can never be prejudged by any declaration of his officers.

When my lord is called in, and the lords' mind delivered to him, and he urged to give his oath upon the libel, he propounded another defence, that by act of council, October 5th last, all libels against conventicles are to be restricted to a month backwards, and none is bound to swear but for himself; and these who are ready to purge themselves by their oath, from their own guilt, are not to have any bond presented them. My lord was asked, If he had an extract of that act: he said, Not, but it was well enough known, and referred the matter to the personal knowledge of the lords and the advocate. The advocate declared he knew nothing of it; upon which my lord referred the matter to the clerk's oath. He was again removed, and the lords gave for answer, that they remembered of no such act of council, and they would not oblige their clerk to depone in that matter. Upon my lord Cochrane's being called in again, he was acquainted with their interlocutor, and was again urged to depone, or be holden as confest: and after some explanations allowed upon the libel, he gave his oath, that he was free of conventicles, and all his servants, to his knowledge. Then some new queries were offered him, which he refused to answer, they not being in his libel, and craved the lords' answer upon this defence: and they gave it, that he was not obliged to depone upon any thing not contained in his libel, and so adjourned till the afternoon. I have given this large account of their rigorous procedure with this excellent person, from letters writ by one who was present at the whole, now before me; and I shall be but short upon the rest, because they ran much in the same strain with them: and others of the gentlemen of the shire insisted much on the same things, and received the same treatment. Afternoon, the lord Cathcart, Sir John Cochrane, and the laird of Cesnock, being called, refused the bond, insisting upon the same heads my lord Cochrane urged: and the laird of Kilbirnie did, in a particular manner, urge the act of council above spoken of, October 5th. The lords told him, they knew of no such act: he offered to produce a copy of it. The lords would not receive it, and said, if there was any such act, it was taken away by posterior acts of council. Kilbirnie offered to take instruments upon his offer of production. The earl of Caithness, for some time, hindered him from taking instruments, by insisting on the danger there was in so doing; but when he could not prevail, he procured a sudden adjournment of that sederunt, to prevent him. 1678.

In the after diets, all who were present being severally threatened with exorbitant fines, confinement, double quartering, and imprisonment, if they persisted in their refusal to depone, were compelled at length

1678. to answer all the articles of their indictment, confessing or denying according to their innocence or guilt, and the clerk marked what they said severally; yea, so peremptory were the committee in the matter, that a young lord having the bond presented to him, and advancing as his defence, that he could not take it in respect he is minor, and his friends have the management of his estate, and the power of putting in or out tenants, for whom in reason he could not be answerable; yet the lords gave him his charge with the rest. Notwithstanding of all this rigour, they prevailed with none in the shire of Ayr to sign the bond, but these named, and a very few petty heritors; whereas the earls of Cassils and Loudon, the lords Montgomery, Cochrane, Cathcart, Bargeny, with all the rest of the gentlemen and heritors, and the whole town of Irvine, did peremptorily refuse. Whereupon, according to orders, they came all to be denounced the king's rebels, and to be put to the horn. I hear those gallant patriots offered a security for themselves and tenants, which went a great length, and was termed a ratihabition; but I have no distinct accounts of it, and can only tell the reader it was refused.

There is scarce any more come to my hand, of the procedure of the committee at Ayr, save that by their orders several gentlemen in Carrick were summarily imprisoned; and upon the 22d of February, the committee issued out a proclamation, "commanding all heritors and landlords, who have not signed the bond, to put out of their possession all horses above the value of fifty pounds Scots, betwixt and the 1st of March next, and all tenants or servants to do the like, betwixt and the 1st of May next, under the pain of forfeiting the horse, and payment of a hundred pounds Scots for each horse or mare above the said value." This proclamation was most rigorous, and not only disabled the country entirely for their own defence, but likewise for necessary labour, manuring the ground, and commerce.

While the committee are thus employed, the militia and Highlanders were to the utmost ravaging Kyle, Carrick, and Cuninghame, where they committed the most notorious outrages, wounded and dismembered some persons without the least shadow of provocation; and I do not find, but, generally speaking, the few heritors and tenants who took the bond, suffered much the same with those who refused it, for the Highlanders sent to execute the laws, spared nobody, and acted without rule, which might easily have been guessed at before their coming. And it is a circumstance strange enough, and some way beyond expectation, that the poor oppressed people were so quiet, and patiently endured the spoiling of their goods, and other outrages done to their persons; that the committee and army were not disturbed with so much as a false alarm, except once, when, without all shadow of ground, it was talked, that a number of people were gathered together upon the hills about Fenwick muir, and in arms. This was so far credited, that about two or three hundred were chosen out of the army to go hither in all haste, and when they came, they found their comrades lying in all security up and down any houses that were thereabout, never having heard of any such matter; and so they had nothing to fight with but their own shadows, and herds of cattle. But about the 22d of February, an express came to Ayr from the council, which was said to be very dissatisfying to the most part of the lords; the contents were kept secret; but it was rumoured, it contained orders to send off the Highlanders. I shall now give what offers from the council records, since I broke off. Upon the 18th of February, the council are informed, "That upon information some men were risen in arms in Fenwick, the committee had sent out a party, but none appeared, neither could they learn that any had been there in arms. They are further informed, that several days had been spent in disarming the country upon oath, and good numbers of arms had been brought in; that the meeting-houses had been demolished." The same day the council order the Highlanders to be dismissed and sent home to their houses; and they appoint the militia of Mid-Lothian, East-Lothian, Peebles, and Linlithgow, to march towards Glasgow in their room. And, February 26th, a letter comes from the committee to the council,

desiring garrisons may be appointed when the Highlanders remove, which is granted; and the council order the earl of Cassils to send in lists of the persons who built the meeting-houses in Carrick, which are now demolished. And, upon the 27th of February, the committee are appointed to intimate to the town of Irvine, that they must find persons fit to serve in the magistracy, who are willing to take the allegiance, declaration, and sign the bond, otherwise lose their privileges, and that against a prefixed day. At the same diet the council pass an act as to the city of Glasgow. "The lords of council hereby impower the magistrates of Glasgow, to rive the burgess and guild-brother tickets of all such as refuse to take the bond for relief of the magistrates, these being privileges, depending upon his majesty's free pleasure, and should not be enjoyed by such as are disorderly, especially in burghs, where such disorders are looked upon as most dangerous: that they approve of their turning out ——— Marshal from the council, for refusing this; and recommend to them to turn all out of council who refuse the bond." The same act is passed with respect to Stirling. Upon the last of February, the council recommends to the committee to burden none who have signed the bond, with provision for the garrisons. And, March 1st, a letter comes from the committee, signifying that they have appointed garrisons in Blairquhan and Barskimming, and Cessnock in Kyle, one hundred and twenty foot and forty horse in the first, and fifty foot and ten horse in the other two houses.

I find by a letter writ by a person of very good intelligence from Edinburgh, February 29th, that this business of the garrisons had its rise from a letter from the regular clergy in the west, to the archbishop of Glasgow, wherein they signify, that they may come away from their charges as soon as the host comes eastward, if garrisons be not settled. This letter of theirs I have not seen, but it appears to me to be referred unto in another letter, which my copy of it bears, was writ by the presbytery of Ayr to the archbishop of Glasgow, in the end of February this year, which I here insert.

"May it please your grace, 1678.

"If we had received your grace's answer to our last letter, we possibly could have given your grace a better information of affairs than now we can; but, my lord, we thought it our duty to transmit to your grace our humble opinion of several occurrences. 1st, The great and leading men in this country are all gone into Edinburgh, and expect to be sheltered there; therefore it is fit they be severely dealt with, sought after, and forced to obedience, otherwise the commonalty, who absolutely depend upon them, will never be brought to conformity. 2dly, The indulged ministers must be stinted of their liberty, and some new tie laid upon them, or they absolutely removed; for let people say what they will, most of these disorders flow from them. 3dly, That the leading men of this country now at Edinburgh, be not protected by the council, but taken and sent hither; for the committee think their credit highly concerned in it: if after they have been at the pains of prosecuting them this length, the council do protect them, it will be a great discouragement to them in their procedure for the future. 4thly, The garrisons appointed here are but three, and too weakly manned, and they are too far from the heart of the shire, and it will be fit two hundred men be left in garrison at Ayr. This is the humble opinion of your grace's most humble and obedient sons in the Lord."

This letter needs no commentary, it speaks out the genuine spirit of the regular clergy, and confirms what has been often remarked, that the prelates and their underlings were very deep in all those rigorous courses. At this time I find the archbishop of Glasgow goes up to court, to prevent, if possible, the informations of the oppressed noblemen and gentlemen; and I have before me a draught of an address to the king, sent up with him. In all the copies I have seen, it is joined with the above letter, but I shall not say it came from the same meeting, since it does not expressly bear it; but I suspect it may, and perhaps does refer to the former memorial or letter. As it is I insert it.

1678. "May it please your most sacred majesty, The danger this church is exposed unto in the present circumstances, which are such as threaten the dissolution thereof, hath necessitate us, in the discharge of our duty, to desire the lord archbishop of Glasgow, humbly to address your royal presence, and to offer unto your princely consideration, how inconsistent the violent and irregular courses of those who rent the church, (and prosecute us, for no other reason but that of our absolute and entire dependence on your majesty's authority,) are, with the rights and interests of your majesty's crown and government, as well as with the safety of your people, and the reverence due to religion; for no other end, but that your majesty's authority may be vindicated and rescued from the persecution of the open disturbers of the church, and their abettors, who, for their own ends, endeavour to constrain the people, and to debauch them equally from their loyalty as their religion, as your majesty will more fully perceive, by a memorial to be offered to your majesty at your conveniency, herewith sent."

I know no further about this application from the clergy to the king at this time, than is contained in this paper. Before I return to the procedure of the committee, I shall take notice of a few more hints I find in the letter I made use of just now, from a good hand, Edinburgh, February 29th, which I meet not with elsewhere. The gentlemen tells his friend, that two troops of the East and West Lothian militia had got twenty days' pay advanced, and their officers were resolved to pay for every thing, but the soldiers were the very worst of men, any sober persons, who had no mind to go, put any they could get in their room. He adds, that a letter of thanks was come from the king to the council, for their care to put the laws against disturbers of the peace into execution, and orders the bond to be pressed on all with care, and garrisons to be settled where it is refused, at the charges of the refusers. He says, there is an overture here (at Edinburgh) on foot among the heritors of Clydesdale, Ayr, and Renfrew, to offer to the council to suppress field conventicles, which yet others think is too hard to be engaged in: there are a great many of them here, but nothing is yet concluded. The advocates, yesterday, (February 28th,) had a peremptory command from the lords of session to take the bond, as the last diet it would be in their offer, with certification of deposition if they refused: there are about fifty have taken it. It is talked by some who would have it so, that the chief in the house being asked, if there was any law for it, by some gentlemen concerned; their answer was, there was none, but they minded not to be martyrs for any civil privilege. Sir George Lockhart has not yet taken it, his lady being lately dead. The writers to the signet have all taken it, but six or seven. Argyle, the president, and Craigie, are seeking to have the lawborrows altered, and made easier, viz. each master of a family to engage for themselves and family, that in case their families transgress, they shall delate them to the judge ordinary for their exoneration. It is thought the committee will proceed the same way in Clydesdale and Renfrew as in Ayr. The magistrates of Irvine are to be cited before the council, having refused the bond, for officiating these years bygone without taking the declaration.

To return now to the west country; the committee, in prosecution of the council's appointment, towards the end of February, order the Highlanders home. Experience let our managers see, that the west country would neither sign the bond, nor yet rise in arms, as the prelates expected, but were patient under all the arbitrary courses taken with them; and some of them began to be ashamed they had tried an experiment, as ineffectual for its designed end, as odious in itself: and as it was never tried before, so I hope it shall never be attempted afterwards. So after the Highlanders had wasted the country, though they liked their quarters very well, yet they marched off, except five hundred, who, with the Angus militia and standing forces, continued till the end of April, when orders came to dismiss them. When the Highlanders went back, one would have thought they had been at the sacking of some besieged town, by their baggage and luggage.

They were loaded with spoil: they carried away a great many horses, and no small quantity of goods out of merchants' shops, whole webs of linen and woollen cloth, some silver plate bearing the names and arms of gentlemen. You would have seen them with loads of bed clothes, carpets, men and women's wearing clothes, pots, pans, grid-irons, shoes, and other furniture, whereof they had pillaged the country: and two of their colonels, Airly and Strathmore, are said to have sent home great sums of money, which could not all be the produce of their pay; and no great wonder, when from one country parish by calculation it was found, that one way and another a thousand pounds sterling had been enacted and got. In their return homeward, they continued to take free quarter, and this without restraint, except that now and then a few country people, without arms, would set upon some of them, after they were disbanded, and retook their own goods, without taking any thing but what belonged to themselves. I am further told by one who was present, that the students at the college of Glasgow, and other youths in town with them, stopt the bridge of Glasgow, the river being high, against near two thousand of them; neither did they permit them to pass, till they had delivered the spoil they carried with them, and only forty of them were allowed to pass at once, and conveyed out at the west port, and not suffered to go through the town; that the custom-house was near by filled with pots, pans, bed clothes, wearing clothes, rugg coats, gray cloaks, and the like: but, unless it was in the parish of Campsie, where one of the Highlanders was killed, I do not hear of any other resistance made any where. This is all come to my hand, as to the procedure of the Highland host and committee, in the shire of Ayr, and I cannot better sum it up than in the council's own account of it to the king, in their letter, March 6th, which I insert, though much of the matter of it hath been already set down.

"May it please your sacred majesty,

"When we, who have the honour to be your council here, considered by what fatal steps our country was formerly led into that execrable rebellion, and did, with regret, see, that some courses lately taken in several disaffected shires, did resemble too much the beginnings of these unhappy times, we did endeavour, by a constant application, to reclaim and punish such as, under the false designs of conscience and law, poisoned your subjects; and we did particularly invite and impower the shires of Ayr and Renfrew, to secure the peace against these growing insolencies, and were resolved to have taken the same methods with those of other shires: but finding, by the answers of these shires, that they resolved to force your majesty to a new indulgence, where probably they would not have stopt, if force could have prevailed, we resolved to make no more addresses to other shires, lest they might have been influenced by their example, and so the faction might have grown, and appeared considerable. Whereupon, it having been thought high time to acquaint your majesty with the true state of this kingdom, your majesty, by your royal letter, dated the 11th of December, declared you were resolved no more to suffer that daily increase of rebellion, and did, for preventing thereof, order us to employ such forces, as some of your good subjects here would add voluntarily to your own standing forces, and those of the militia, thereby to pluck up the very roots of these rebellious courses. And thereupon we granted commission, to such noblemen as offered their service to us, for levying their tenants and vassals, and impowered both them and the officers of your militia, to quarter in those countries, which had suffered these field conventicles, declared by your laws to be the rendezvouses of rebellion, and had suffered declared traitors, and intercommuned rebels, to frequent their jurisdictions. And that your majesty's service might be effectually prosecuted, we granted the commissions and instructions herewith sent, to a very considerable committee of our number, who quartered your majesty's forces, first in that shire of Ayr, who had refused to secure the peace; for securing of which we caused draw a bond, to be presented to the heritors and liferenters within this kingdom: 1678

1678. and that they might see there was nothing offered to them which was not in itself legal as well as fit, the same was taken unanimously by all the members of your majesty's privy council, senators of the college of justice, commissioners of your treasury, lords of your exchequer, and by all the advocates, writers, and other servants who depended upon these courts; except by some few advocates, who being every way inconsiderable, were debarred from their employment. But this bond being presented to the heritors and burghs within the shire of Ayr, and many of them having refused, we did, by act of council, ordain the refusers to be charged with lawborrows, that is to say, to secure the peace in manner mentioned in the act herewith sent; and did ordain the burgesses, in some suspected towns, who refused to have their burgess-tickets cancelled and destroyed, debarring them from all trade and commerce; conceiving that such who would not secure your peace, ought not to enjoy such large privileges by your free bounty. But lest the tenants of such who obeyed, should run into these who would not oblige them to live peacably and orderly, we, by a proclamation, discharged them to be reset without a testificate from their former master, or the minister of the parish where they lived. These disorderly shires were also disarmed, and garrisons placed in some, and to be placed in other houses, who are to be furnished with coal, candle, &c. by such as refuse to secure the peace. Your service being fully despatched in Ayr, your committee are to come to Lanark, where they are resolved to settle the shires of Renfrew, Dunbarton, and Lanark, in the former method: and to the end your majesty may know who will refuse to secure your peace in all the shires, we are resolved to send the bond to all other shires: of which your majesty may expect a constant account from time to time. We are fully convinced that the meaner sort would not dare to appear in such open insolencies, if they were not encouraged by persons of greater eminency, and who, by how much they are the more considerable, are so much the more to be jealoused; tumultuary rabbles being then only dangerous, when they get a head, and when delusions in opinion form themselves into, and mix themselves with faction and humorous opposition to authority, of which your majesty has of late had too convincing proofs. This being the true state of your majesty's affairs, and our endeavours, which some are pleased to represent to your people, as wanting your approbation, or as done without your special knowledge, though we have managed that special trust committed to us, according to law, and the power, and within the limits prescribed to us by your royal letter; yet we thought it our duty to subject them and ourselves to your majesty's royal determination, that we may be both strengthened and directed thereby, being only then satisfied with ourselves, when owned by your majesty, as, may it please your majesty, your most faithful," &c.

This letter needs no observations, the matter of it has been already considered, and the groundlessness of the ill natured insinuations in it, which are now common style, discovered. Its plain intent is, by a fawning submission, to get the king's approbation to their rigorous proceedings, which they land all upon himself, though it was they who impetrate the letter they speak of, from him. This they got as we shall hear.

It is now time to give some account of the procedure of the council and committee, in the month of March, and after the Highlanders are sent home, laden with the plunder of the west country. Upon the 1st of March, another letter is read in council, from the committee, giving an account, that they have charged all who have not taken the bond, with lawborrows, and they have sent in lists to the council, that, as soon as the day elapses, they may be denounced; but withal signify, that the noblemen and gentlemen charged, are not at their houses, but come into Edinburgh, and that all the rest design to follow; and thus that part of the council's instructions, for apprehending the chief persons concerned, will be disappointed. They add, that the whole heritors in Renfrew and Lanark are charged with lawborrows. About the beginning of March, my lord Cochran, the

laird of Kilbirnie, and some other gentlemen, offered a petition to the council, for a suspension of the charge of lawborrows for some little time, till they deliberate better on this matter. The letter before me, from which I have this account, dated March 7th, says, "All things are managed with such secrecy, that it is not known what answer is given." By the records I find, that, March 7th, the council signify to the committee, "That they will receive no petition from the gentlemen come to Edinburgh, and that they had commanded them by proclamation to remove." Meanwhile, at Ayr, the committee come to pass their act anent garrisons in the shire of Ayr, which is not long, and I insert it here, together with the consequents of it. The act follows.

"*At Ayr, March 4th*, 1678.

"The lords of the committee of the council met in the west, by commission from his majesty's privy council, in pursuance of their commands, appointing garrisons in the shire of Ayr, and jurisdictions within the same, having ordained garrisons to be in the places following, viz. in the house of Blairquhan in Carrick, of a hundred foot and twenty horse; another in Barskimming, of fifty foot and ten horse; a third in Cesnock, of the same number; and appointed the committee to call for and ordain the commissioners of the excise of the said shire, to provide pots, pans, and other necessaries to the said garrisons; and, in obedience to a missive directed to the said commissioners by the said committee, some of them having this day appeared, who were appointed to provide these necessaries, the said lords have thought fit hereby to give warrant to the said commissioners present, to call and convene the rest of the commissioners absent, to meet at Ayr, the 7th of March instant, and, with all diligence, to go about the providing of one hundred and twenty-six beds, twenty-four pots, as many pans, two hundred and forty spoons, sixty timber dishes, as many timber cups, and forty timber stoups, and to distribute them to the said garrisons proportionally, conform to the number of men; also to provide coal and candle for the garrisons respective, and to report an account to the committee of their obedience herein, upon the 8th instant, as they will be answerable. And it is hereby declared, that no heritor within the said bounds, who have taken the bond, to be burdened with any part of the expense of the said garrisons. 1678.

"STRATHMORE, GLENCAIRN,
AIRLY, MURRAY,
CAITHNESS, LINLITHGOW."

Whether the meeting was full on the 8th, and refused, or not so full as they inclined, I know not; but, I find, on the 9th of March, the committee pass another act on this subject.

At Ayr, March 9th, 1678.

"The lords of the committee, having received his majesty's privy council their commands, appointing them to call the commissioners of excise within the shire of Ayr, and jurisdictions thereof, that they, with them, might set prices upon all the necessary provisions, such as, meat and drink for soldiers, horse meat, and other necessaries for the maintenance of the garrisons, and appointing the committee to lay their commands upon the said commissioners, to be careful that the foresaid necessaries be provided, and carried in to the said garrisons for their money, at the prices set down by the committee; and, besides coal, candle, bedding, pots, pans, which are to be furnished them without money, as is ordinary in such cases; certifying the said commissioners, if they shall fail in causing provide and carry the said necessary provisions to the garrisons, daily, from time to time, the officers and soldiers shall be allowed to take the same from the next adjacent places, at these rates, except the lands of privy counsellors, and those employed in his majesty's service, or such as have taken or shall take the bond. The foresaid lords do, in prosecution of the council's commands aforesaid, ordain the clerks to the commissioners of the said shire, to call and convene the said commissioners, in the ordinary manner, to meet at Ayr, the 12th day of March, by ten of the clock in the forenoon, to set down prices, and take order for furnishing the said garrisons: with

1678. certification, the officers and soldiers will be allowed to take these necessaries from the next adjacent places, with the rates to be set down by the committee, conform to the council's warrant.

"Subscribed *ut supra.*"

The commissioners of excise did not meet upon the 12th, the most of them were persons who had refused the bond, and besides, they would not so far homologate the iniquitous imposition of garrisons in time of peace, as to be active in providing them; and the very same reasons almost which hindered them from taking the bond, weighed with them in this case: therefore the committee do this business by themselves in their act this day, which follows.

"*At Ayr, March 12th,* 1678.

"The lords of the committee having, by order of his majesty's privy council, caused warn the commissioners of excise in the shire of Ayr, to meet this day with the committee, to set prices on the provisions following, for the use of the garrisons; and they having refused to convene, the committee do hereby give warrant to the governors of the respective garrisons, to cause bring in provisions and other necessaries, when the same can be most conveniently had in the next adjacent parishes, they paying the prices underwritten, which the committee has thought fit, in absence of the foresaid, to set thereupon, viz. Each stone of hay 2*s.* each threave of straw 4*s.* boll of oats 50*s.* in Carrick, 55 in Kyle; each boll of meal 5 merks; each boll of malt 5*l.* each stone of cheese 1*l.* 10*s.* each stone of pork 1*l.* 16*s.* each peck of French gray salt 10*s.* each peck of Scots salt 5*s.* each stone of butter 2*l.* 8*s.* each dozen of eggs 1*s.* 4*d.* each pint of milk 1*s.* each hen 4*s.* each mutton bulk 2*l.* And ordain the said prices to continue until the council or committee give further order thereanent.

"Subscribed *ut supra.*"

Upon this the officers of the army go on to bring in from the adjacent places what they need, and call the heritors of every parish near their garrison to meet. The copy of the summons to the parish of Dundonald I have before me. "These are ordering the heritors of the parish of Dundonald, to be at Galston upon Monday next, being the 25th of March, to meet with the other commissioners of the adjacent parishes to the garrison of Cesnock, for casting of the proportion of the said parish, for furnishing the said garrison, all protected persons being free: and to that effect, to bring the valuations of the said protected persons with them, as they will be answerable. Given at Cesnock, the 22d of March, 1678.

"WINDRAM."

Though the provisions of the garrisons be thus set a going, yet I find the council going on against the gentlemen, who refused concurrence, for their absence. They had been cited before the council for their not obeying the committee, and, upon April 3d, the council pass the following act to grant letters against them.

Act anent commissioners of excise in the shire of Ayr.

"The which day, James earl of Cassils, James earl of Lowdon, William lord Cochran, William lord Cathcart, John lord Bargeny, Sir William Muir of Rowallan, James Dunlop of Dunlop, John Montgomery of Lainshaw, Sir Hugh Campbell of Cesnock, Sir John Cochran of Ochiltree, David Boswell of Auchinleck, ——— Campbell of Glasnock, ——— Kennedy of Kirkmichael, John Boyd of Trochrig, ——— Kennedy of Kilhinzie, Quintin M'Lean of Grimmatmachan, and James Brisbane of Bishoptown, being called to answer for not meeting with the rest of the commissioners of excise, in February or March last, for executing the orders of the committee of council, with certification, and not compearing, the lords of his majesty's privy council grant certification against them, superseding the extract until this day fourteen days."

What the issue was I know not, but I find a good number of those worthy persons, the earl of Lowdon, Rowallan, Cesnock, Auchinleck, Lainshaw, and some others, meeting with others commissioners the 11th of April, where they declare themselves not

a quorum, and find, that the committee have settled the prices already, and they judged it not fit or necessary for them, to alter or innovate any of the rates already set down in an order to captain John Windram, dated March 10th last, (this perhaps hindered them from meeting on the 12th,) and appoint their clerk to send an extract of this act to the clerk of the council, and they all sign this. I imagine this sisted further prosecution, and I know no more about it. I have given what concerns the garrisons all together.

The council are going on to make the taking of the bond as universal as might be: and, March 13th, they publish a proclamation for pressing the bond at the days they name, in the shires of Edinburgh, Haddington, Linlithgow, Berwick, Peebles, and Selkirk. The tenor of it is insert in the note.* No reflections need be made on it. According to this, I find by a letter, writ from the same person of credit formerly mentioned, of the date March 26th, the bond was subscribed in the different shires. East-Lothian heritors were convened at Haddington, and the duke of Lauderdale came out and signed it there, as he had done four times before, as a member of council, session, treasury, and heritor of Mid-Lothian; yet after all the interest he could make, there were but about forty-five signed at that time; and a good many of the most considerable heritors, Haddington, Stevenson, Salton, Lammington, Preston, Keith, Hepburn, Clerkinton, Ormiston, Barns, Garleton, and others, refused it. In that shire there are upward of a thousand heritors, and not above fifty or sixty now and afterward signed it. I have no accounts from the rest of the shires, but that heritors were generally backward, and by this time 1678.

* *Proclamation for taking the bond in several shires, March* 13, 1678.

Charles, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith; to our lovits, macers, or messengers at arms, greeting: Forasmuch as upon consideration of frequent rebellions field conventicles, and other insolencies and disorders in several shires of this kingdom, we, by our letter of the 11th of December last, did authorise our privy council to use such means, and take such courses as might be effectual for securing our peace, and quieting these disorders: and particularly, we did require them to cause heritors, liferenters, and masters, give bonds for their tenants, servants, and others in manner therein expressed; and in pursuance of these our commands, a bond was drawn, which by a committee of our privy council hath been offered to the heritors in some western and other shires of this kingdom, which were most infested with these irregularities, conform to the power and instructions given to that committee. And to the end such insolencies and disorders so expressly prohibited by law, and tending so much to sedition and disturbance of the public peace, may be prevented in other places of the kingdom, we, with advice of the lords of our privy council, have thought fit, that the foresaid bond, obliging heritors, liferenters, and masters, for their tenants, servants, and others therein mentioned, shall be offered to the whole heritors and liferenters of the shires of Edinburgh, Haddington, Linlithgow, Peebles, Berwick, and Selkirk, to be subscribed by them. Our will is herefore, and we charge you, that incontinent, these our letters seen, ye pass to the market-cross of Edinburgh, and other places needful, and there in our name and authority, you strictly command and charge the whole heritors and liferenters within the shires abovenamed, and jurisdictions within these shires, to meet and convene upon the days, and at the places respectively following, viz. these of the shire of Edinburgh, at the town of Edinburgh, within the new session-house, upon the nineteenth day of March instant; these of the shire of Haddington, at the burgh of Haddington, the twentieth day; these of the shire of Linlithgow, at the burgh of Linlithgow, the twenty-first day; these of the shire of Peebles, at the burgh of Peebles, upon the twenty-second day; these of the shire of Berwick, at Dunce, upon the twenty-sixth day; and these of the shire of Selkirk, at the burgh of Selkirk, upon the twenty-eighth of this instant: and they being met upon the days respectively foresaid, that the sheriff-principal, or, in case of his absence, his deputes, do offer the foresaid bond, for securing the peace, to the whole heritors and liferenters of the shire, to be subscribed by them, and that the sheriff also subscribe the same himself: certifying such heritors and liferenters as shall be absent, or being present shall refuse to subscribe the said bond, they shall be charged with letters of lawborrows, conform to the act of our privy council, of the fourteenth of February last. And to the end our said service may be the more effectually prosecute, we hereby require the heritors and others foresaid, to repair to their said shires and attend the diets foresaid, as they will be answerable upon their highest peril. And we ordain the sheriffs of the said shires and their deputes, to cause intimate this our proclamation at the several parish kirks of the shires, upon the Sunday immediately preceding the diet of meeting, that none may pretend ignorance thereof: and that they return to our privy council an account of their diligence in the premises, with the bonds signed by the heritors, and the names of these who shall be absent, or refuse to subscribe the same. The which to do we commit to you, conjunctly and severally, our full power by these our letters, to be by you duly

1678. conventicles were beginning to break out again, as we shall hear. Next day the council give orders to charge all the refusers with lawborrows, in the shires mentioned in yesterday's proclamation, as was done in the west: but the application made to the king, by the noblemen and gentlemen who went up to court, as we shall hear, hindered severities following upon this charge. I do not find much more insisting upon the bond after this proclamation. In the west, the committee go on in their work, and a letter comes from them to the council, and is read, March 15th, desiring a stop may be put to heritors, who, when they refuse the bond, flee, some of them to the borders, and others of them to Ireland, and so cannot be apprehended after they are denounced. Next day, March 16th, the council, in return, send the draught of a proclamation, which they are to publish, discharging all persons to go to Ireland without passes; and require the committee to send them lists of all who are charged with lawborrows; and they order the shire of Dunbarton to take the bond at Glasgow. I have now no accounts of the committee's procedure, but what appears to me from the hints in their letters to the council, and the council's appointments to them; and whether, when they left Ayr, they sat in Lanark and Renfrewshires, I cannot determine; but, by any thing I can guess, they sat mostly the rest of their time at Glasgow, and probably called in the heritors round about, to them, there: but I have no particular accounts of what past, and say no more of it. By a letter from the committee, read in council, March 26th, when they seem to be come to Glasgow, they acquaint them, that the bond hath been offered to Stirlingshire; that in the parish of Campsie, six miles off Glasgow, north, several hundreds gathered together in arms, and killed one of the soldiers; and desire an order to proceed against the heritors of that parish, for building a dwelling-house and meeting-house to one Law, who keeps many conventicles. This is the reverend Mr. John Law, since the revolution one of the ministers of Edinburgh. They add, that the country about Glasgow is much infected with unlicensed chaplains and governors, and desire that some particular persons may be prosecuted, as examples to the rest; and they acquaint them that the garrison is changed from Blairquhan to Kinlichin, belonging to the laird of Carleton. The same day, the council send up two of their number to the king, the earl of Murray and lord Collington. The occasion of this seems to be the delay of their letter of approbation, not yet come down; and especially to counter the application which was now making to the king, by a considerable number of noblemen and others, of which in its own room. To oppose this these persons are sent up, and the following letter with them.

"May it please your majesty,

"The insolencies committed against your majesty's authority, which, after express warrant from your majesty, forced us to arm such of your subjects as were pleased to offer themselves, did also oblige us to emit a proclamation, discharging all noblemen, gentlemen, heritors, and magistrates of burghs, to depart forth of this kingdom, without license from your majesty's privy council during that service only; which proclamation is suitable to your laws, and the constant practice of council, and was necessary upon this occasion to prevent the departure of such as probably might disappoint any security that was to be demanded of them, for securing the peace of this kingdom, or any assistance that might be craved from them, in this your majesty's service, and to which they are liable by the express laws of the nation. Notwithstanding whereof, we have good reason to believe, that after our endeavours were ready to have attained the wished for effects, some of these who were obliged to concur in prosecution of your majesty's commands, as being sheriffs, and enjoying other offices under you, have not only refused to take

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execute and indorsed again to the bearer; and ordain these presents to be printed. Given under our signet at Edinburgh, the thirteenth day of March, 1678 years, and of our reign the thirtieth year.

Per actum dominorum secreti concilii.

AL. GIBSON, *Cl. Secr. Concilii.*

God save the king.

the bond offered in your name, and by warrant from your letter, dated December 11th, or to secure the peace, being charged upon their refusing the bond; but have, with much noise and observation, gone to England, in contempt of your proclamation, without seeking any license from your council, as others did, and as the proclamation required, and which was never refused, when desired by any of your people, on good reasons; by which your majesty's authority, in your council (which is the great source of your government here), is highly contemned, not only in this instance, but in the preparative, and your people diverted in their present obedience, in expectation of such alterations as are promised by those bold undertakings; some being induced to believe, that none durst attempt that which none of your people ever formerly did, without extraordinary assurances. But we who remember, with much gratitude, with how much firmness your majesty hath owned us, and all your other judicatories (who having no design but what may tend to secure your throne and people), do, with all humble confidence, expect that your majesty will, by your princely care and prudence, discourage all such endeavours as tend to enervate your royal authority, and affront your privy council. In pursuance of this our duty, and to prevent such ill consequences as might ensue on this new and dangerous preparative, we have sent two of our number, to give your majesty a most exact account of what is past, and who might satisfy such doubts as might occur to your majesty, in which you could not so well be satisfied by letters: and the earl of Murray having been constantly present in the committee in the west, and the lord Collington in all the meetings and committee here; and both being of a known integrity and ability, we hope may be fully able to confute easily such unworthy misreports as others have choosed to raise now, as formerly, at a time when your majesty is like to be engaged in foreign war, and hath assembled your parliament of England. Those reflections on their procedure, and the remedies thereof, are, with all submission, left to, and expected from your majesty, by 1678.

"May it please your majesty," &c.

"March 26th, 1678."

Little in the letter needs reflections: less could scarce be said in defence of their cause; but the matter would bear no more; and these same reasonings they use, may be turned to the defence of the plainest tyranny that can be exercised by wicked servants. Upon the 1st of April, they had the king's letter of the 26th of March, approving the procedure of the committee; which I shall insert in another section, since this hath already swelled so much, and haste through any further hints as to the committee. April 1st, the council have a letter from the committee, signifying, the committee (now I think at Glasgow) had cited before them the lord Semple's governor, and my lord Cochran's chaplain, for officiating without a license from the bishop of the diocese; and they absenting, the committee designed to insist against those who entertained them. The late reverend Mr. Robert Wylie, minister at Hamilton since the revolution, was governor to the lord Semple; and, if I mistake it not, the reverend Mr. William Dunlop, late principal of the university at Glasgow, was the other. In a following section there will be occasion to give some further account of the trouble the first met with. Being here upon the actings of the committee, I only further notice, that upon Mr. Wylie's withdrawing, being unwilling to own the archbishop's power, his pupil likewise withdrew; and the committee so far interest themselves in that matter, as to write the following letter to the earl of Dundonald, one of my lord Semple's doers.

"*Glasgow, April 13th.*

"My lord,—The committee having thought fit to call before them ——— Wylie, chaplain to the lord Semple, to answer for taking upon him that charge without license from the archbishop; he not only refused to appear, but upon that occasion the lord Semple hath withdrawn himself from the college: and seeing your lordship is one of

1678. his curators, and much concerned in his education, we desire your lordship may cause return him back to the college, that he may follow his studies. We expect your lordship will be careful herein, and are, your lordship's affectionate friends and servants,

"AIRLY, GLENCAIRN,
ROSS, LINLITHGOW."
WIGTON,

This matter came to fall in before the council, as we shall hear. In that same letter they signify, that James Dunlop of Househill, of whom before, hath refused the bond, and absented himself. If I be well informed, he went up at this time, with other gentlemen and noblemen, to London. The committee desire the former act of council be execute against him. They add, that the magistrates of Glasgow had given bond for themselves, burgesses, and inhabitants; and they had allowed some days, for such concerned, to sign the bond of relief: and further, that the laird of Cesnock was retired to England, and therefore had changed the garrison from his house to the house of Rowallan. The council the same day, April 1st, allow three to be a quorum of the committee, instead of five.

In the beginning of this month the case of the earl of Cassils comes before the council, as to the committee's treatment of him; and an information is drawn up of their procedure, and printed; but these and some other things will come in better upon the fourth section, where I shall give some account of what followed upon the procedure of the committee. April 10th, the council are informed that many arms are not delivered in the shire of Lanark; they send their orders to the committee further to disarm the shire of Lanark and town of Glasgow, upon oath, and in the strictest way they can: accordingly they appoint the sheriff-depute of Lanark, April 12th, to exert himself to the utmost in this matter. I have before me the intimation made in the Nether Ward under the sheriff's hand: no doubt one to the same purpose was given to the Upper Ward of that shire; but this may suffice to insert here. "In pursuance of an order of the council met in the west, direct to the sheriff-depute of Lanark, of the date, at Glasgow the 12th of April instant, to the effect underwritten: these are hereby requiring the haill heritors, liferenters, conjunct fiars, and others, within the parishes underwritten, respective, viz. these within the parishes of Carmunnock and Cathcart, to meet at the kirk of Carmunnock on the 22d day of April instant; these within the parishes of Govan, and barony of Glasgow, to meet and convene at the barony kirk of Glasgow, upon the 23d day of April instant, at ten hours in the forenoon; these within the parishes of Calder and Old Monkland, at the kirk of Old Monkland, on the 24th day instant, at the hour foresaid; these within the parishes of New Monkland and the Shots, at the kirk of Shots, on the 25th; these within the parishes of Bothwell and Hamilton, at Hamilton, the 26th day; and these within the parishes of Cambusnethan and Dalziel, to meet and convene at the kirk of Cambusnethan, upon the 27th of the said month, the hour foresaid; and to bring with them their haill tenants, cottars, and servants, together with their arms of all sorts, as muskets, guns, pistols, pikes, halberds, lochaber-axes, dirks, and whingers; and there to deliver up the same upon oath, to such person or persons as the major-general shall appoint, in presence of the said sheriff-depute, or any that shall be substitute by him; excepting all such who have taken the bond, who are allowed to wear their swords and pistols; and excepting noblemen and gentlemen of quality, who are allowed to wear their sword only: certifying all such as shall not appear at the foresaid meetings, the foresaid days respective above written, or appearing shall not give up their arms upon oath, they will be proceeded against, and punished for their disobedience. And publication hereof is to be made at the respective parish churches, foresaid, that none pretend ignorance. Signed at Hamilton, the 16th of April, 1678, by the foresaid sheriff-depute." Accordingly no pains were spared to make the whole shire naked, and yet, after all their essays, a great many did

not compear, and chose to run all hazards before they would come and depone. In short, April 24th, the council write to their committee, signifying, that the increasing disorders by numerous field conventicles in Fife, Merse, Teviotdale, and Linlithgow, being come to such a height, and there being to be matters of consequence before the council upon the first of May, and the committee's work being now over in the west, they desire the committee to come in to Edinburgh; which I imagine some of them did very cheerfully, being heartily wearied of their work. We shall hear more of the reasons and springs of this turn upon the fourth section.

Thus I have given a pretty large account of the Highland host, and the procedure of the committee, and all almost from original papers. The miserable depopulation of the country thereby, will be the subject of the next section, especially in the shire of Ayr.

SECT. III.

Containing some account of the damages done to, and losses sustained in the western shires, by the Highland host.

BEFORE I come to narrate the consequences of this violent invasion upon the west of Scotland, in the council and in court, it is needful to take some view of the barbarous and unprecedented carriage of the Highlanders, when hounded out upon peaceable presbyterians. It is but a very small part of the losses and harassing of the shire of Ayr, and the adjacent places, that can be represented now at so great a distance; yet some account I shall give, from papers written by persons who were witnesses to what passed, and felt the severities of that lawless company. The particular relation of the oppressions, depredations, exactions, and cruelties committed by them, would fill a volume, and I shall not enter upon a large detail of them. The reader, by a very small reflection, will understand, what sad work a company of savage people would make, when sent in with a design to run people to extremities by oppression: it is certain they were faithful to their orders, and not only lived upon free quarter, but robbed and pillaged everywhere, where they spread. I shall only then give a few general remarks upon their carriage, which may serve to help to form a general notion of their management; and then insert a more particular account of the losses of the particular parishes in the shire of Ayr, and end the section with some hints of the treatment of particular persons. 1678.

More generally it may be observed, that the soldiers and Highlanders, both in and about Glasgow, and the shire of Ayr, behaved with that exorbitant rudeness and insolence, as could not have been expected from a conquering enemy. To say nothing of the free quarters taken, not only by the Highlanders, as soon as they came to Stirling, but even by the standing forces, who every day received the king's pay, whithersoever they went to the westward of Glasgow, and also by the Angus militia, when the three weeks were out for which their shire had advanced them pay: these I pass, because their commission may seem to countenance them in them, and come to some other of their odd practices. The avowed disobedience of the common sort to their leaders and commanders, deserves our notice, both as a proof and the fountain of their unaccountable carriage. Very often they would peremptorily refuse to take the quarters allotted to them, or to do any thing else that went cross to their own barbarous humours; and ordinarily they would come in multitudes, sixty, seventy, or eighty together, not only to gentlemen's houses, but to these of tenants and cottars; yea, that length some of them came, as to present daggers to the breasts of some of their officers, when required to restore goods to such whom they had unjustly plundered. When this was often and openly done, the reader will guess what was to be expected from an host, where every mean rascal, who had impudence enough, demeaned himself as an insulting tyrant, without any possible check. Further, these people not content with free quarter (which was illegal, and used to make people strain themselves beyond their power, to satisfy their unreasonable demands), they openly

1678. robbed upon the high road, and in houses: some they stripped naked, when several miles distant from their houses, and many at and in their houses, and every where took from the country people, pots, pans, wearing-clothes, and every thing which made for them, and money wherever they could reach it; and under all none durst complain: when any offered but to do it, they were knocked down and wounded; and the whole neighbourhood was dealt the worse with upon that account; yea, people saw it was needless to complain. And as if all this had been but little, they pillaged houses, and that even in towns privileged with protections; others in the country they broke in upon, and rifled and killed their cattle, far beyond what they made use of for their provision. In some places they tortured people, by scorching their bodies at vast fires, and otherwise, till they forced them to discover where their money and goods were hid to avoid their thievish hands; and drove away vast multitudes of horses, first in their march westward, to carry the ammunition and royal artillery, as was pretended; and then in return, to carry away their baggage, spoil, and plunder. The loss by all this cannot be computed in any exact way, and the computation which follows is very far short of the real losses of the particular parishes. Again, those scoundrels, as if they had been possessed of the power of king and parliament, without any warrant, imposed their tribute in several places, and threatened the burning of houses and worse, if they were denied: a crime much worse than that which in our law is termed, with relation to the Highlands where it is used, "black mail," which is punishable with the pains of theft and robbery. The meanest straggler exacted his sixpence a-day, and the modelled forces their shilling, or merk Scots a-day, and their subalterns, captains, and leaders, their twentypence, half-crowns, and crowns, as they pleased to require; and the poor country people were forced to find it, or borrow it for them. This was generally practised by Highlanders, besides their free quarter. Over and above all this, some poor families were constrained, merely to gratify them in their excesses, in a few days to expend thirty or forty shillings sterling, for brandy and tobacco to them. It was a common practice with them, to go from their quarters, and purchase their own victuals, and at their return to compel their proper landlords to give money for their absence, and pay for what they bought; yea, to pay for the blank men who were not in their company, but they pretended should have been with them. In other places they taxed and cessed the land, at the rate of penny half-penny a-day the acre: and instances can be given, where one small company this way gathered eleven pounds sterling at once, another sixty dollars; and in the corner of one parish, there was advanced six score of dollars in a night or two, to satisfy this lawless and exorbitant charge; and, lastly, after they received this dry quarter, as they called it, the poor people gave seven score of dollars to save them from plunder, and yet at their removal the place was plundered after all. To crown all, it is well known, these vile miscreants, openly in cities and towns, offered to commit rapes, and it is fit to draw a vail over their excesses of unnatural and horrid wickednesses up and down the country. I likewise pass the woundings, beatings, and cutting off fingers and hands, of which I find some complaints tabled before the committee, and satisfaction promised: and it is certain all these, and many other enormities were done without the least punishment, unless it were a night's detention in the guard sometimes. Yea, too many of their leaders and officers, captains and field-officers also, were their encouragers, and partakers with them in those villanies. One of their prime commanders was heard, upon the head of a discontented regiment, not only to enjoin them to take free quarter, and whatever else they need, but, after many fair promises, providing they would stay and not quit the service, he gave them so vile and lewd an advice, that I shall not repeat it.

From these hints it may be easy to gather the sad condition of the poor country, lying entirely at the mercy of those brutal tyrants; and yet these are but a very small part of what might be said as to their outrages at this time, and what is set down is most

certain. It is hard to say, whether it be more surprising, that persons of honour and quality should ever so far have laid aside humanity, as to be accessory and active to involve a peaceable country in such calamities, without any distinction, and wherein the reputed innocent could not but suffer with the pretended guilty; or that the oppressed people did thus suffer themselves to be invaded, over-run, disarmed, ransacked, and treated like slaves, without offering to defend themselves. I shall only remark further, upon this general view, that though the greater part of the lords of the committee were furious promoters of these oppressive courses, yet there were some, two or three, who endeavoured to stem these violences. The marquis of Athole was particularly noticed for his mercy, and the earl of Perth for his equity; and these two, and sometimes one or two more, were for milder courses; but, generally speaking, they were outvoted. And though they gave strict orders to their men to carry regularly, yet they did as their comrades did; and there was scarce any room for complaints: and indeed no restraints were sufficient to keep in the Highlanders, as appears in an uncontested instance, that in their march some of them stole even some of the furniture belonging to their lords. However, this moderate party, in pity to the country, whom they could not help, at length prevailed to get the Highlanders removed.

This general account shall be ended in the words of a paper containing a distinct account of the host and committee, from which I have taken several things, with which the author concludes. "Upon the whole," says he, "it is evidently apparent, that the proceedings of those few months bypast, are a formed contrivance (if God in mercy prevent not) to subvert our religion, and to ruin and depopulate the country: they are open and evident oppression, public violence and robbery, and invasion of the person and goods of a free and loyal people, a violation of the ancient rights and privileges of the lieges, and a treacherous raising of hatred and discord betwixt the king and his subjects, and consequently manifest treason against the commonwealth and the king's majesty. In a word, when considered in its full extent, and in all its heinous circumstances, it is a complication of the most atrocious crimes that almost ever have been conceived or perpetrate." 1678.

That the reader may have some more particular account, as far as may be, of the losses of the shire of Ayr, I shall insert in the next place a narrative of the losses of the several parishes in it. This paper was drawn up by the noblemen and gentlemen of the shire at this time, that, if need were, it might be laid before his majesty; and there were particular instructions for every article in it. Care was taken not to aggravate matters, and it was the opinion of very judicious persons in the shire, that it fell much short, by the exactness of the gatherers of it, of the real losses of the people. Multitudes of things fell out which could not at all be calculate, and a great many particulars came not to the hands of the persons employed to draw this account; so that I can scarce think they were much out, who reckoned the loss fully double to the sum here. I give it just as it was drawn up, without any variation, though I might have shortened it a little; and some of the parishes seem wrong placed, but all are in the shire of Ayr.

An account of the losses the following parishes sustained by quartering, robbing, and spoiling of the soldiers and Highland host, 1678.

IN KYLE.

Ayr and Alloway.

The parishes of Ayr and Alloway, their losses by quartering of the king's guard of foot, from the 8th of February until the 13th of March, as also their robbery, and breaking open merchants' shops, amounteth to £12,120 0 0

St. Quivox.

The parish of St. Quivox, by quartering thirty of the earl of Airly's troop ——— days, and sending out forty baggage horses, a part of them from Ayr to Irvine, and part from Ayr to Fenwick, sustained the loss of 900 0 0

Monkton.

The parish of Monkton sustained, by quartering and oppressing of soldiers, exacting of dry quarters, and affording of ——— horses for baggage, the loss of 2,700 0 0

Tarbolton.

The parish of Tarbolton, by quartering, oppression, robbery, and theft of the High-

1678. landers, and sending out baggage horses, sustained the loss of L.6,180 0 0

Galston.

The parish of Galston, by quartering of soldiers, exacting of 1,516*l.* of dry quarter, to two hundred and forty men for ten days, from February 4th to February 14th, and a hundred and sixty men for twenty-five days, the sending of twenty baggage horses from Kilmarnock to Ayr, and seven from Galston to Eaglesham, quartering the earl of Perth's men, and fifty horsemen one night, and furnishing thirty baggage horses from that to Ochiltree, sustained the loss of 3,679 0 0

Craigie.

The parish of Craigie, by quartering of twenty-four of Airly's troop, from February 6th to 24th, allowing the expenses of each man and horse to be eighteen-pence a day, paying dry quarters to fourteen of the said troop of eighteen-pence a day for twenty-two days, quartering of a hundred of Caithness men one night at sixpence a night, with the robberies committed by the Highlandmen, sustained the loss of 735 5 0

Riccarton.

The parish of Riccarton, by dry quarters to the earl of Murray's soldiers 1,050*l.* for quarters at sixpence a day, amounting to 545*l.* collected by twenty horsemen, who were gentlemen of Perthshire, 253*l.* with their free quarter, reckoning 2*1s.* for each gentleman and his boy a day, extending to 900*l.* with thirty-five baggage horses, sustained the loss of 2,844 0 0

Dundonald.

The parish of Dundonald, by quartering of three hundred and eighty soldiers of Strathmore's regiment, for fourteen days, at 6*d.* per day, is 1,596*l.* By quartering of four hundred and ninety-three of the said regiment for seven days, at the said rate, is 1,035*l.* 6*s.* Extorted of money by them, 373*l.* Of dry quarters to twenty of Airly's troop, at 18*d.* a day, for eight days, 144*l.* With seventy-five baggage horses, part from Kilmarnock to Ayr, and part from Irvine to Glasgow and to Paisley, all detained at least two days on their own expenses, which reckoned at 3*l.* is 225*l.* (besides many plunderings and thefts) sustained the loss of 3,973 6 0

Barnwell.

The parish of Barnwell, in quartering of twenty-four of Airly's troop eight days, and nine others of them twenty-two days, extending to 507*l.* Exacted by them in money 122*l.* 18*s.* Dry quarters to seven of the said troop for ten days 63*l.* Quartering a hundred of Caithness men at 6*d.* 30*l.* with several robberies and thefts committed, sustained the loss of 836 0 0

Symington.

The parish of Symington, in quartering forty-eight horse of Airly's troop from February 6th to 10th, at 18*s.* a day, is 172*l.* 16*s.* Exacted by the same troopers from another part of that parish at 18*s.* each a day, is 172*l.* 16*s.* In quartering twenty-four of the said troop from February 10th to February 16th, is 129*l.* 12*s.* In quartering twenty-six of the said troop for twenty-eight days, is 655*l.* 4*s.* with plundering and frequent transient quarters, sustained the loss of L.1,200 6 0

Mauchlin, Muirkirk, and Dalgean.

The parishes of Mauchlin, Muirkirk, and Dalgean,* in quartering a hundred and forty horse of lord Charles Murray's troop twenty-eight days, at 18*s.* per. day, is 3,528*l.* In quartering six hundred of Athole's men, in Mauchlin and Dalgean, seventeen days, at 6*d.* a day, is 3,060*l.* *Item*, two hundred and fifty men six days, is 450*l.* And lifted by the same men of dry quarters, 450*l.* More, of dry quarters in Dalgean and Mauchlin, 223*l.* 8*s.* In quartering two hundred and fifty in Dalgean one night, 75*l.* In quartering two hundred and fifty men three nights in Muirkirk, 225*l.* Of dry quarters to the same, 75*l.* In quartering two hundred and sixty men under Caithness, one night, 78*l.* *Item*, three horses taken, valued at 18*l.* sustained (beside plunder and transient quarters) the loss of 8,985 8 0

Calton.

The parish of Calton, sustained of loss, by quartering one thousand and fifty of Caithness's common soldiers, with his own ten horses, and all the officers, which amounted to the value of four hundred common soldiers, four days, 1,740*l.* An hundred of them, with Caithness's own horses and officers, to the value of eighty-seven soldiers, for sixteen days, 897*l.* 12*s.* Dry quarters and plunder, 600*l.* Baggage horses to Dalmellington and Straiton, forty, with men to Fenwick, forty, to Irvine from Ayr, with the artillerty, twenty; with the people's own expense, at 3*l.* per horse, 300*l.* 3,337 12

Ochiltree and Auchinleck.

The parishes of Ochiltree and Auchinleck sustained of loss, by quartering two hundred and forty of Perth's foot, from February 5th to February 24th, nineteen days, besides officers, 1,368*l.* By quartering eighty Perthshire gentlemen, allowing but one servant to each, and reckoning both at 24*s.* each day, from February 5th to February 25th, is 1,920*l.* By quartering sixty foot from February 25th to March 5th, eight days, is 144*l.* Exacted of money and plunder by these former, 1,170*l.* 14*s.* 4*d.* Plundered in money and goods by soldiers in passing through, or by those quartered in adjacent places, 672*l.* 6*s.* 8*d.* By quartering two hundred and forty Caithness men one night, 72*l.* Exacted by them of money, 68*l.* 6*s.* 8*d.* Three horses taken by Strathmore's men, for recovering of which was expended 36*l.* Which, besides baggage horses and other horses ridden down by them, extends to 5,211 7 1

Cumnock Old and New.

The parishes of Cumnock Old and New, sustained of loss, by quartering two hundred and forty Caithness men fifteen nights, with some officers, 1,093*l.* 6*s.* 8*d.* Exacted

* An old parish, comprehended now in the parish of Lorn.—*Ed.*

by their officers, and cleared off their quarters, as appears by their notes, 200*l.* *Item*, dry quarters to some officers, 61*l.*, free quarters to them, 60*l.*, plunder by these soldiers, 958*l.* 17*s.* 4*d.* By quartering ninety-five of Caithness men six nights, 171*l.* By quartering three hundred and twenty Caithness men one night, 96*l.* Dry quarters and plunder by these, 372*l.* 2*s.* 4*d.* extendeth to..... *L.* 3,015 6 4

Summa totalis in Kyle..... 55,419 11 0

IN CARRICK.

Straiton.

The parish of Straiton, by quartering nine hundred Caithness men fourteen days, by dry quarter, plundering, killing sheep and nolt, taking prisoners, and causing them to be ransomed, sustained the loss of 12,000*l.*..... 12,000 0 0

Colmonell.

The parish of Colmonell, by quartering three hundred of Caithness men fifteen days, 260*l.* Dry quarter, 3,659*l.* 6*s.* 8*d.* Eleven horses worth 40*l.* each, 440*l.* Which, with gathered money and plunder makes their loss..... 10,000 0 0

Kirkoswald and Girvan.

The parishes of Kirkoswald and Girvan by quartering four hundred of the earl of Mar's men six days, 720*l.* By quartering forty horse six days, 216*l.* dry quarters to them, 600*l.* Seven horses plundered out of Kirkoswald, at 40*l.* per piece, 280*l.* Loss in all..... 1,816 0 0

Barr.

The parish of Barr, by quartering three hundred of Caithness men two nights, with dry quarters and plunder, sustained the loss of..... 1,000 0 0

Daylie.

The parish of Daylie, by quartering three hundred of Caithness men one night, at 6*s.* the night, and as much for dry quarters, lost..... 180 0 0

Maybole.

The parish of Maybole, by quartering forty-eight or fifty of the king's guard, about thirty-four days, sustained of loss..... 1,700 0 0

Dalmelington and Kirkmichael.

The parish of Dalmellington, wherein Kirkmichael is reckoned, by quartering and plunder, lost..... 4,981 0 0

Summa totalis of Carrick is..... 31,677 0 0

IN CUNNINGHAM.

Kilmarnock and Fenwick.

The parishes of Kilmarnock and Fenwick, sustained these losses.—Rowallan's lands for quarters, 1,471*l.* 6*s.* Dry quarters, 589*l.* 6*s.* Plunder, 1,071*l.* 16*s.*—Crawford-land, of quarters, 460*l.* Dry quarters to Captain Lumsden, 300*l.* Plundered, 368*l.* 11*s.* Raith lands, quarters, 364*l.* 6*s.* Dry quarters and plunder, 596*l.*—Skimeland, quarters and plunder, 298*l.*—Glebeland, dry quarters, 52*l.* Plunder, 32*l.* Communion-tablecloths, and baptism-cloths, 30*l.*—Fenwick town, quarters, 58*l.* Dry quarters and brandy, 78*l.* Plunder, 68*l.* Pockelly lands, quarters, dry quarters and plunder, 1,260*l.* 17*s.*—Hairshaw, quarters, 135*l.* Dry quarters, 101*l.* Plunder, 284*l.* 13*s.* 4*d.*—Hietric, quarters, 153*l.* Dry quarters, 40*l.* Plunder, 22*l.*—Miltoun, quarters, 66*l.* 18*s.* Extraordinary drink, 16*l.* Dry quarters, 9*l.* Plunder, 13*l.* 14*s.*—Templetounburn, quarters, 15*l.* Dry quarters, 5*l.* Plunder, 2*l.*—Lawhill, quarters, 3*l.* 10*s.* Dry quarters, 18*s.*—Asloss, quarters, 70*l.* 10*s.* Dry quarters, 8*l.*—Silverwood, quarters, 25*l.* 16*s.* Plunder, 5*l.* 10*s.*—Town of Kilmarnock, and lands belonging to my lord within the parish, quarters, dry quarters, and plunder, 5,918*l.*—Glebland of Kilmarnock, quarters, dry quarters, and plunder, 76*l.* 14*s.*—Grange lands, quarters, dry quarters, and plunder, 169*l.* 15*s.* 4*d.*—Camskeigh, quarters and baggage horses, 120*l.* Dry quarters, 64*l.* In all..... *L.* 14,431 0 0 1678.

Kilwinning.

The parish of Kilwinning sustained loss, by quartering of Strathmore's troop one night, his whole regiment one night, and the half thereof twenty nights, 3,660*l.* 13*s.* 8*d.* Of dry quarters, 1,421*l.* 12*s.* 8*d.* For one hundred and thirty baggage horses, 191*l.* 13*s.* 4*d.* Plundered of gold, silver, and other goods, 622*l.* 6*s.* In all..... 5,895 15 8

Stevenston.

The parish of Stevenston, by quartering Airly's troop one night, and fifteen of Strathmore's riding horses and servants, fifteen days, three companies of Athole men one night, two companies one night, one company three nights, 336*l.* 18*s.* Dry quarters, and quartering till the dry quarters were paid, 285*l.* 14*s.* 4*d.* sustained loss of..... 622 12 4

Ardrossan.

The parish of Ardrossan, by quartering of Strathmore's troop ten days, 830*l.* For dry quarters more than 666*l.* 13*s.* 4*d.* sustained loss of..... 1,549 13 4

Dalry.

The parish of Dalry, by quartering a company of Athole men, and several companies of Strathmore's men several days 519*l.* 18*s.* Of dry quarters and plunder, 133*l.* 4*s.* 8*d.* In all..... 653 12 8

Dunlop.

The parish of Dunlop sustained of loss, by several transient quarters to Athole and Caithness men, and two companies of Strathmore's men, thirteen days, 1,333*l.* 16*s.* Exacted of money, 896*l.* 13*s.* 2*d.* plundered, 286*l.* 2*s.* with ninety-four baggage horses, 113*l.* 5*s.* 4*d.* In all..... 2,629 10 6

Irvine parish without the town.

The parish of Irvine (excepting the town, where ninety Perthshire gentlemen, under Pitcur, got their diet fourteen days, and eight companies of foot, with the guard of horse, and committee one night) sustained of loss, by quartering the horses of these ninety gentlemen, and two companies of Athole men, eight days, 917*l.* 9*s.* Dry quarters 43*l.* 3*s.* Plundered, 58*l.* 10*s.* 4*d.* Fourteen baggage horses, 9*l.* 18*s.* besides the furnishing thirty baggage horses for the artillery. In all..... 1,029 0 4

Largs.

1678. The parish of Largs sustained of loss, by quartering three hundred and twenty of Athole men, five days, beside their officers, 480*l.* And four hundred of Athole men, two nights, 240*l.* Uplifted of money, and plundered by them, 300*l.* Strathmore's troop, consisting of fifty-eight men, thirteen days, 897*l.* 8*s.* beside plunder L.1,907 0 0

Kilbride.

The parish of Kilbride, by quartering eighty Athole men, four days, 160*l.* Strathmore's men, six days, (besides their officers quartered in gentlemen's houses) 432*l.* Of dry quarters, 260*l.* sustained of loss 692 0 0

Kilbirny.

The parish of Kilbirny sustained of loss, by quartering one hundred and forty of Athole men one night, one hundred and thirty, ten days, with two hundred and forty of Strathmore's, three nights, one hundred and thirty-eight of them, fifteen nights, 1,260*l.* (not reckoning the quarters of their officers, or their plundering) lifted of money, 811*l.* In all 2,080 0 0

London.

The parish of Loudon sustained of loss, by quartering eighty-five Athole men, nineteen days, one hundred of them, nineteen days, seventy of them, thirteen days, seventy-one of them, five days, eighty of them, two days, one hundred and forty of them, one day, 1,482*l.* The town of Newmills quartering one company —— days, and dry quarters, 1,066*l.* 13*s.* 4*d.* More, quarters, and four horses taken, 344*l.* In all 2,934 13 4

Dreghorn and Pearston.

The parishes of Dreghorn and Pearston sustained of loss, by quartering several parties of Strathmore's troop, one company of Athole men, and several of his majesty's guard, 916*l.* 14*s.* dry quarters, 445*l.* 14*s.* Plundered 112*l.* 12*s.* Baggage horses, 30*l.* 16*s.* In all 1,505 17 0

Kilmaurs.

The parish of Kilmaurs sustained of loss, by quartering of the lord Rollo's troop, and Pitcur's troop, with dry quarters, and plundered by the Highlanders and Strathmore's foot 3,250 15 0

Stewarton.

The parish of Stewarton sustained of loss, by quartering of several companies of Highlanders, Caithness's regiment one night, Strathmore's foot, several companies, five days, and others eight, ten, twelve, fourteen days, 2,632*l.* 14*s.* corn and straw to Rollo's troop, 52*l.* money exacted, 2,196*l.* 9*s.* 10*d.* plundered, 1,099*l.* 18*s.* 10*d.* In all 6,062 12 8

Beith.

The parish of Beith sustained of loss, by quartering of Strathmore's troop, (which he gave up, officers and all, to be one hundred and thirty, whereas there were not above fifty-two and the officers) five hundred and fifty of his foot, one night; his whole regiment, called twelve hundred, whereas there were not above eight hundred of them; one hundred and thirty of Athole men, seven days, and one hundred and twenty of them, twelve days, six hundred of Strathmore's men, three days, two hundred and forty of them, thirteen days, with dry quarters, 2,895*l.* *Item*, paid to them at 3*s.* 4*d.* per diem, 1,736*l.* 12*s.* to eat their meat, as it was called. Plundered, 217*l.* Sixty baggage horses, 42*l.* 13*s.* 4*d.* In all L.4,891 0 0

Cumbray.

The Isle of Meikle Cumbray sustained of loss, by plunder of Athole men, ... 266 13 4

Summa totalis of Cunningham 50,402 15 0

Carrick, ... 31,077 0 0

Kyle, ... 55,417 11 0

The whole sum from the shire of Ayr *amounts to* 137,109 6 0

Many remarks might be made upon this account, but it speaks for itself. I only notice, that the accounts from the parish of Dalrymple, and, which is of more importance, from the town of Irvine, are not here. No doubt Irvine would be very deep, since they refused the bond, and Ayr, who was obsequious, was £12,000. It would be further observed, that the parish of Stewarton, which was among the last where the accounts were gathered, reckons eight thousand merks for loss of labour, which is not cast in the above account, because a calculation was not made of it in the rest of the parishes of the shire; but it seems a most reasonable article; they reckon eighty ploughs were idle twenty days, at five merks the plough; and if this be added to what is above, and what was noticed before this account, it will grow exceedingly on our hand. The heaviness of this oppression will further appear, if what is exacted be compared with the valuation of the parishes, or their yearly valued rent. I give but one instance. The valuation of the parish of Stevenston, I know, is a hundred pounds sterling, and more than the half was extorted from them, L.622, 12*s.* 4d. And lastly, if, at a modest calculation, and to me it appears short of the real losses of the shire, when we make the necessary additions above specified, we should fix the whole of this one shire, at two hundred thousand pounds Scots, and then adjoin the losses of Stirlingshire, Dunbarton, Lanark, and Renfrew, though their losses could not be so great as

Ayrshire, the reader will guess, what a horrible cess and damage this invasion by the Highland host, was to the west of Scotland.

After what is set down, I need not much enter upon the spoilings and depredations of particular persons, families, and places. A few hints may serve to give some further view of the damage done to the country at this time.

There were eight hundred Highlanders commanded by the laird of Glenlyon, sent upon the parish of Straiton, though the parish was made to pay as if they had been nine hundred. They had free quarters fourteen days; their continual trade was shooting of sheep, robbing men and women, night and day, and perfect thieving and stealing. It is a modest calculation that is made of it in the above account. As soon as the host came to Ayrshire, the curate of Kirkoswald went and procured a regiment to that parish, and by his information the quarters were ordered, and such as had any way favoured the sufferers, had multitudes sent upon them. John Alexander of Drumochrein, because he sometimes had lodged presbyterian ministers, had great numbers quartered on him; and, besides free quarters, was obliged to pay eighty pounds Scots. And every family almost had money forced from it in less or more, besides vast losses by their being obliged to disperse their plenishing; and what they got not removed, was generally plundered. The small parish of Dalmelington had nine hundred Highlanders quartered upon them. Every merkland had twenty for their share; and when some were sent to a neighbouring parish, there remained eight upon every merk-land; and they had their sixpence a day, besides free quarter and prodigious plunder. In this parish lived that excellent countryman Quintin Dick, of whose sufferings an account shall be afterwards given. He was an eminent Christian, and prudent, wise, and knowing, far above most of his education and station: he hath left a diary and remarks upon the providence of God toward him in the different periods of his life, which is writ with a great deal of solidity and judgment, and what he says, with relation to the Highland host, deserves a room here. "The next passages (says he) I shall instance, fell out in the year 1678, called by us in the country, the year of the Highland host, when the western shires were by act of council given up to be harassed and plundered by these savages, for no other cause, but because some few did at some times go to the public worship of God, in these meetings of his people, called conventicles. The first general rendezvous being at Stirling, from thence they came to Glasgow: the news coming, that all along in their march they wasted and harassed the country, especially the persons and houses of all such as desired to fear and serve God, and keep a good conscience; and that there was no safety for any person who did refuse their bond, a test which the very enemies themselves seemed to nauseate, and that with all expedition they were hasting to the town of Ayr, that shire being designed to be made examplary to all Scotland. I confess, when I considered the persons employed in that affair, the commissions they had from the council, who should have been the fathers and protectors of the poor and oppressed, the methods they followed to put their commission in execution, and the Highland commanders, under which that host marched, it was very terrible both to me and many others. I need not mention in what a formidable dress (where there was none to oppose) they came from Glasgow, through the country, to Ayr, with their cannon, their ammunition, their iron shackles and fetters; from thence issuing forth their companies for ilk parish by itself, with orders to keep peremptorily such and such times. Meanwhile the Highlanders were sent in swarms through the country, there to lie, plunder, pillage, and await orders for more havock, against all who should seem to scruple whatever should be enjoined them. In such a shock, when all refuge failed me, I thought it high time to make haste to the Rock of Ages." And then this good man sets down his sweet experiences of the Lord's being with him in prayer, and what scriptures he was made to hope upon, too long to be insert here: and particularly observes, that he felt the whole verses of the 27th Psalm, speak either safety or direction to his soul; 1678.

1678. and the last verse, containing a doubled call encouraged him, with a quiet and fearless mind to wait, trusting in God till his trial came. He goes on, and remarks, "That upon a Sabbath night, when day-light was going, two of Caithness's men as quarter-masters, came and alighted at my house in Dalmelington, and gave me their orders for quartering fourteen hundred. I told them I was no public person, nor ever had any charge in the place. They answered, I was one of the three in the parish to whom they were directed, and they resolved to stay in my house that night. I told them it was Sabbath night, and not proper to cast quarters, but to-morrow I should convene the other two persons they were directed to. To-morrow the allocation was made, and the fourteen hundred came to nine hundred, of which I had twenty for my share. In three days thereafter, orders came to deliver up our arms to Captain Campbell of Lochdochart. I had none, being twice disarmed before. In a day or two I thought it would be my best to expose my house, and shift the company of these whose language I understood not, and whose company I could not well digest; and after I had provided for the removal and secret conveyance of such things out of my house as I thought fit, and prepared three servants to attend the house, and answer the guests so far and so long as they could, after three or four days' stay I went off, and shifted the best way I could, for some weeks." So far this excellent person.

The barbarities exercised upon the house and lands of Cunninghamhead, in the parish of Dreghorn, deserve a particular remark, and I give them in the words of a gentleman of honour, witness to some of them, and nearly concerned in all, in a letter to me, which I am allowed to publish. "In the year 1678, when the Highland host came to the shire of Ayr, a troop of horse, called the troop of Angus gentlemen heritors, commanded by the laird of Dun, had the lands of Cunninghamhead allotted to them for their quarters. ——Dunbar of Grange, nephew to the laird of Dun, was coronet to that troop. The present Sir William Cunningham of Cunninghamhead, was then a minor, a school-boy at Irvine, and his excellent father dead;* and he himself to be sure had never acted any thing offensive to the government. The heritors who took the bond, and their lands, were free from quartering and all exactions, as far as Highland robbers could be restrained; and although the minor Sir William was not capable of accepting of, or refusing the said bond, yet the said Angus troop were quartered upon his ground. The troopers pretending the several country houses in Sir William's land were not convenient enough for many of them to quarter in, they obliged the tenants to advance the five pounds sterling for dry quarter, as they called it. When by paying this they reasonably expected to have been freed from guests they paid so well for, every tenant in that little spot of ground had at least three footmen of the wild Highlanders put upon them, who, during their abode, near a month, lived at discretion: yea, notwithstanding of the pretended insufficiency of these country-houses for entertaining gentlemen, several of them found it best, after dry quarters were collected, to continue, particularly the foresaid coronet lodged, with his horses and servants, in David Muir's in the Byres of Cunninghamhead. While this gentleman stayed there, he came one day to the old Tower of Cunninghamhead, where nobody lived; and in the second story of it was a granary wherein lay meal, which was the most substantial part, if not the whole of the minor's estate. The coronet called to have the doors opened to him; the keeper of the keys was accidentally, and without any design, out of the way, and so ready access could not be given him at that time.

* He, while a child, succeeded his father in 1670; and in 1679 he was served heir to his mother, the eldest daughter of Thomas first lord Ruthven. He married Ann, daughter of Sir Archibald Stewart of Castlemilk, but had no issue. He died in 1724, in which year also Cunninghamhead was sold to the ancestor of the present (1828) proprietor, D. S. Buchanan, Esq. The representation of the family is now in the person of colonel Stewart, M. Fullarton of Fullarton, as descended from Barbara, eldest daughter of John Cunningham of Cunninghamhead, who, in 1624, married James Fullarton of Fullarton.—Robertson's Ayrshire Families, p. 308.—*Ed.*

This enraged him so, that wilfully, and in day-light, without any order, or any provocation, he became guilty of house-breaking and wilful fire, a crime capital in our law. And there being at the foot of the stair, which taketh up to the tower an iron grate, with a strong wainscot door behind it, he set fire to the door, and by gunpowder got the hanging lock upon the iron grate blown up and broke open; and having forced a hole in the wainscot door, got in: and after he had dealt the same way with another door and grate upon the room where the meal lay, got in; and he and his servants broke open the granary, went into it with their boots and shoes, all bedaubed with clay and earth from the open fields, and pierced and dug up the meal, under pretext of searching for arms, and with their dirty feet perfectly spoiled it, to the great loss of the innocent minor." Here was a most barbarous and illegal step, without any warrant or shadow of law, and perfectly malicious. "This same coronet committed many insolencies beside this, in Sir William's lands. He forced his landlord, David Muir, to give him what money he had, threatening otherwise to hang him in his own barn. And when he had got what he had in the house, he and his servants went into the barn, in the one end of which was a mow of corn, and in the other of bear, and they cast both down in the middle of the barn, all through other, to the man's great loss; and all under pretence that he had a chest under the stuff, where his money was. Which, when they found not, it was with some difficulty they were hindered by a company of women, from hanging the poor man in his own barn."

I have before me a large account of the damage done to the town of Kilmarnock at this time, by the Highlanders, and am told it is but a very small part of what yet may be attested. It is but a few hints I shall give out of it. John Borland in the Bridge of Kilmarnock, by quartering and dry quarters, lost one hundred pounds Scots. William Taylor, merchant, had a whole company quartered upon him one night, besides his ordinary quota of them who stayed. Matthew Hopkin, merchant, reckons his loss five hundred merks. William Dickie, merchant, had nine Highlanders quartered upon him for six weeks, who had meat, and drink, and dry quarters. When they went off they robbed his house, from whence they carried some sacks full of household stuff and goods; a hose full of silver money, and abused this honest man, broke two ribs in his side, and swore they would cut off his head; and frighted his wife sore, by putting a dirk a little into her side, that she being big with child, very soon after died with the terror. This good man's loss was very great, upwards of a thousand merks. Hugh Mowat, innkeeper, lost a hundred pounds. James Stuart and his son had twenty-six men for nine days. James Aird of Milton had twenty-four men for a month, and twelve men other ten days. I have a great many others in the account before me, but I pass them. It may be worth while to observe, that before the Highlanders left Kilmarnock, they resolved upon the Sabbath to plunder the town, and did actually plunder several houses, as we have heard; and had done the like to all, if the matter had not been over-ruled with great intercession, and considerable sums private persons advanced to their officers. It was this day Mr. Wedderburn minister of the place, and well known by the books he had published, got the beginning of his sickness of which he died, by the barbarity of a Highlandman's pushing him on the breast, with the butt end of his musket, when he was interceding to spare the place.* The real loss of the town 1678.

* Mr. Alexander Wedderburn was one of those eminent worthies who witnessed a good confession during the troublous times of the church of Scotland. He was minister first at Forgan in Fife, and afterwards at Kilmarnock. Besides what he gave to the public during his life, after his death two volumes of his sermons were published, partly from notes taken in shorthand by those who heard them, and partly from his own MSS. The subject of the first of these volumes is, the Nature of the Covenant of Grace; or as he terms it "David's Testament opened up, in forty sermons upon 2 Samuel, xxiii. 5." The subject of the second is, the history of our Lord's transfiguration, evangelically and practically improved; in twenty-two discourses. The volumes were published after his death, about the commencement of last century, and they are dedicated to the countess of Rothes, and the countess of Wemyss, two of those "honourable women," who have adorned their high stations by the virtues and the graces of personal

1678. of Kilmarnock, says a person of good credit, who writes to me, was certainly greater this year, than in Dalziel's year after Pentland; then, as we heard, it was fifty thousand merks.

That the reader may have some view of what was done in other places, as well as in the shire of Ayr, I shall notice, that the parish of Evandale or Strathaven in Lanarkshire, by an account lately taken up from such sufferers as were then alive, lost, by free quarter and other extortions, the sum of £1,700 : 12s., and we may without any stretch double it, considering that many were dead in thirty years and more, after the Highland host were among them. The parish of Cambuslang in the same shire, though it be a very small one, had a considerable loss. John Corsbie had fifty Highlanders of Athole's men, with a lieutenant and quarter-master, quartered on him for eight days. David Donald had sixteen quartered on him during the said space. James Jackson, William Ker, and Thomas Robertson, in Middlecots, had each of them twenty-two of the foresaid Highlanders quartered on them for eight days. In the return of the host from the more western places, one lieutenant Stuart, and quarter-master Leckie, came to the parish with eighteen men, and continued five weeks in it in seedtime; and told the parish, they had orders to quarter eighty men, though they let none see the order, and no more men than eighteen ever came, and accordingly exacted the money off the parish, which amounted to £861, and whosoever refused to pay, had their houses rifled, and were forced to buy back their goods at much more money than they would have paid for quarters. These and other hardships upon the duchess of Hamilton's lands at this time, made that excellent person, upon the 5th of April, take an instrument against the earl of Strathmore, for the restoring of what was illegally exacted from her and her tenants; a copy of which I have insert below.*

godliness. The discourses, considered as posthumous remains, are highly creditable to the talents and piety of their author. They abound in excellent expositions of scripture; the style is simple and by no means vulgar; and they exhibit what we do not always find in the writings of the period, a paramount regard to the practical bearings of Christian truth on the hearts and lives of Christian professors. The volume on the covenant of grace, presents to us in sermons xxi. and xxii. one of the simplest and clearest illustrations I have ever seen of a subject much talked of, but very imperfectly understood in the present day—the doctrine of the assurance of faith. He shews at great length, that, while assurance is by no means essential to the being of faith, it is exceedingly desirable in regard to the spiritual prosperity of a Christian; that it is attainable; and that it is our duty to seek after it. He points out the reasons why it is not often attained, and minutely specifies the various marks by which Christians are required to examine themselves, so as to know that they are in covenant with God. No man who reads the sermons of Mr. Wedderburn will say, that the preachers of the "olden time" were *exclusively polemical*; or that Calvinism is incapable of a most full and powerful application to the "bosoms and the business" of human beings.—*Ed.*

* *Instrument, duchess of Hamilton against the earl of Strathmore, April 5th, 1678.*

The which day, in presence of me notar public undersubscribing, and witnesses afternamed, compeared personally John Bailie chamberlain of Hamilton, as having power and commission from Anna duchess of Hamilton, and to the effect underwritten, and past to the personal presence of Patrick earl of Strathmore, being for the time in the dwelling-house of William Hamilton, maltman, burgess of Hamilton, and there the said John Bailie in name and behalf of the said duchess, shewed the said Patrick earl of Strathmore, that the said duchess, nor William duke of Hamilton her husband, had never seen any orders for free quarters to have been made by any officers or soldiers in any troops or regiments for the time within the shire of Lanark, upon any person or persons whatsoever; and that notwithstanding thereof, a considerable part of the regiment of foot under the command of the said earl, sometime more and sometime fewer, had quartered upon the lands and property of the said duke and duchess, within the parish of Hamilton, from the 16th day of March last bypast, to this present day inclusive, without payment of any sums of money; therefore, as also that the said soldiers have exacted divers sums of money, or dry quarters (so termed by them), from several of the said duke and duchess their tenants, and that by and attour the entertainment of meat, drink, and bedding they had in the places where they were quartered; and therefore, and in respect there had been no order shewn for free quarters, or levying of money, by-o and attour the same, the said John Bailie in name and behalf, and at command of the said duchess, desired of the said earl, that he would either pay, or cause make payment to the said duke and duchess their respective tenants, for the quarters such of his soldiers had upon their respective tenants; the space above written; as also, that the said tenants might be reimbursed of all exactions used by his said soldiers from them. Whereunto it was answered by the said earl, that the bringing such of his regiment was at the command of his majesty's privy council, founded upon his majesty's warrant; and that the quar-

Accounts of this nature will be endless; and therefore, though I could add a great many more, yet I shall end this section with an account I have from a good hand, of that excellent person the lady Houston, in the shire of Renfrew, at this time.* A party of soldiers had sadly harassed Sir Patrick Houston's tenants in his absence, he being at London; yea, such was their rudeness to dame Anne Hamilton his lady, that not only the meaner sort, but even Sir George Nicolson who commanded them, threatened her personally to that pitch, that she was obliged to let down the portcullis of the gate to keep them out of the house: but unhappily she found two of her younger sons, Mr. William and Archibald, were without the gates: she was so frighted with their threatenings, and the fears of what they might do to the young boys, that she fell into a fever, of which in a few days she died; and her sister Mrs. Grizel Hamilton, daughter to the lord Bargeny, by waiting upon her, fell into the same distemper, and died.† This lady was singularly devout and religious, and very much in her sentiments against episcopacy, and her death was very welcome news to the episcopal clergy of that bounds, whom she would never in the least countenance. It was noticed, that this Sir George Nicolson of that ilk, and laird of Lasswade, after this sensibly decayed in his fortune; and though at this time he had an opulent estate, yet in a few years he became bankrupt, and his estate was sold, after his death, by the lords of session, to pay his debts. 1678.

Upon the whole, as these hardships and oppressions were general, and no great difference made in the lands of such who had

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tering made by him of his regiment, was conform to order from the major-general, and that he had never commanded or allowed any exactions of any kind, beside their quarters; and that the same (if any was used) was expressly contrary to his orders: whereupon, and upon all and sundry the haill premises, the said John Bailie in name and at command foresaid, as also the said Patrick earl of Strathmore, asked and took instruments, one or more, in the hands of me notar public undersubscribing. Thir things were done within the dwelling-house of the said William Hamilton, betwixt and ten hours in the forenoon, day, month, year of God, and king's reign respective foresaid, in presence of James Weir of Kirkfield, Arthur Nasmith, and Richard Maxwel writers in Hamilton, the said William Hamilton and divers others, witnesses to the premises specially called and required.

Ita esse verum ut præfertur, ego Andreas Schaw, *notarius publicus, ad præmissa requisitus, assero, testand. signo et subscriptione.*

* This lady's maiden name, as noticed below, was Anna Hamilton, second daughter of Sir John Hamilton of Carriden and Bargeny, who was created a peer of Scotland in 1639, under the title of lord Bargeny. The attachment of her father to the royal cause was so conspicuous, that Cromwell excepted him out of the act of grace 12th April, 1654; and he died in 1658. Her mother was lady Jean Douglas, second daughter of William first marquis of Douglas. Her husband, Sir Patrick Houston, was the representative of one of the oldest families in Scotland; being noticed in charters of so old a date as the reign of Malcolm IV. He was created a baronet of Nova Scotia by Charles II. in 1668. He lived till 1696, and was succeeded by his son Sir John; in whose immediate descendants the male line having failed, the Houston succession came by marriage to be merged in that of the family of Shaw Stewart of Greenock and Blackhall.—Robertson's Renf. pp. 117, 413; Anderson's Ham. p. 217.—*Ed.*

† It has been noticed as "most remarkable, that not one Whig lost his life during the invasion of these Highland crusaders."—Note to Kirkton p. 391. From the instances noticed by Wodrow of deaths *caused* by these "crusaders," this statement may be said not to be strictly true; but granting that it is true, what does it prove? Nothing more than that no violent resistance on the part of the "Whigs" was made to these "crusaders;" for assuredly it will not be questioned that the Highlanders were empowered, and expressly enjoined to punish *a la militaire* those who ventured to fight with them, or to oppose them in any direct way; and this places beyond all doubt, the loyalty of the covenanters, and their backwardness to take arms, even when *self-defence* might with great reason have been pleaded. Burnet tells us that "here things seemed done on design to force a rebellion," and he adds, "it was happy for the public peace, that the people were universally possessed with this opinion; for when they saw a rebellion was desired, they bore the present oppression more quietly, than perhaps they would have done, if it had not been for that."—Vol. ii. p. 185. "As for the oppressions, exactions, injuries and cruelties committed by the Highlanders among the poor people of the west country, it is a business above my reach to describe: there is a whole book written upon that subject, wherein the list is more particular and full than ever my information could reach; and a thinking man may apprehend, what a company of barbarous Highlanders would doe, when they were sent upon the design to turn the innocent people of the west country mad by their oppressions, in which office indeed you may believe they were very faithful; yet when after a few weeks' experience, our governors perceived the west country would not rise in arms, (as was hoped,) but would continue patient under their tyranny, they begane to be ashamed, they hade chosen ane expedient both ineffectual and odious to the world's end, as it

1678. taken the bond, from those who did not, this project appeared to all almost both severe and unjust, yea ridiculous and unbecoming the wisdom of a government, and irritate multitudes, rendered the managers contemptible, and the clergy, from whom in part it did spring, and who heartily fell in in many places with the host, perfectly odious. I come now to the consequents of this in the council, and at court.

SECT. IV.

Of some things which followed the return of the Highland host, the approbation and narrative of the proceedings of the council and committee, the earl of Cassils's case, and other things at court, until the convention of estates, June 26th, 1678.

I DESIGN this section for giving a narrative of some things with relation to the Highland host and committee, which I could not bring in on the second section, without breaking the thread of the account there, and making it very long. I am here then to give some account of the approbation of the committee's procedure, both by king and council, and the narrative they themselves gave of this matter, with reflections upon it, of the earl of Cassils's case, and the attempt of duke Hamilton and others, to give the king a true account of the state of things in Scotland, and any thing further which offers, till the convention in June. After the council's submissive letter of March 16th, seeking an approbation for themselves and the committee, insert above at length, April 1st, the following letter comes; upon the receipt of which they despatch copies of it to the committee. In most copies I have seen it is termed, "King's letter of thanks and indemnity to the council and committee," but in the record it is,

Letter of the king to the council, approving their and the committee's proceedings.

"Charles R.—Right trusty, &c. We well understood the insolence of the disaffected shires, and a great part of your progress in reducing them to their duty in a great measure, before your letter, dated March 16th, came to our hands: for their irregularities make so much noise, and are so destructive to our interest, that we admire how many of our subjects should think (as your letter intimates some do) that what we (who take so much pains to know the affairs of Scotland, both from extraordinary affection to that our ancient kingdom, and because of the frequent representations that have been made to us,) do, for securing the peace there, proceeds merely from the suggestions of our council, and want of true information; since all have had open access to us, and we have, of late years, heard many of our subjects of that kingdom, fully and patiently; whilst they endeavour, by weak reasons, to justify the occasion of their differing from our ministers, and opposing our authority: nor could we have expected, that these who have so affronted our authority, and given such ill example to our subjects, and have cast loose the principles of all government, could have dared to think that we may yet approve of their rebellious courses. And to let you further know our resentments, we do thank you very heartily for your careful prosecution of what we recommended to you, in our letter December 11th. And after perusal of your commissions and instructions, (which we have signed to show that they were compared by us with the said letter) we approve of your sending in our forces, and of the commissions given by you to these noblemen that have their interest in the Highlands, and of these given by you to the militia of horse and foot, and to kill such as should oppose our authority by arms, (for the suffering field conventicles, which we, as well as our law, think the "rendezvouses of rebellion," and the refusing to suppress them,

was unparalleled in the history of the world from the beginning. So after the Highlanders hade to the utmost tempted the patience of these poor people, tho' the devouring soldiers wearied not, our council thought good to conclude this cruell expedition."—Kirkton, p. 390. Wodrow is also confirmed most fully by Law in his Memorials, p. 139. and by Burnet, vol. ii. p. 183. &c. See also Laing's Hist. vol. iii. p. 78.—*Ed.*

did justly oblige you to look upon these shires as in a state of rebellion, in which these and severer courses are necessary and unavoidable, and which are very gentle, in regard of the great misfortunes that followed lately upon the like beginnings.) We approve likewise of that bond presented to our subjects, in which, after serious perusal, we see no cause of discontent to any who resolve to live peaceably, and for subscribing whereof we are very well satisfied with our judicatories; and since all our judges, and all the learned lawyers of that kingdom, have subscribed the same, we must, and our people should see, that such as call it illegal, do so merely from the principles of faction and humour. We are also well pleased that the said bond should be offered to all landed persons, and magistrates, within that our kingdom, without exception, that we may thereby know how each of them stands affected to our government: and you justly observe, that the most powerful should be most jealoused. We approve also of that legal surety which you call lawborrows, and of your having settled garrisons, and the way you have taken to provide for them; of which garrisons, we think, none should complain who love our government, and the peace of their native country, since they are very necessary for both these ends, in those disorderly shires. We approve likewise of your recalling the privileges of such burgesses, as will not relieve their magistrates according to law, and of debarring these very few advocates who did not compear when cited by our judges, at that time the bond was offered by those of their society.

"These courses being founded upon our commands, and taken for the common interest of us and our people, we own as done by us; and we do hereby declare, that whatever person or judicatory shall offer to quarrel any person for being accessory thereunto, shall be punishable as murmurers against our authority and royal prerogative. And for encouragement of all such as serve us, we declare that this our approbation shall have the force of an ample and absolute indemnity, and letter of thanks, to all any ways concerned in that expedition, either in council, committee, or execution, we having very good reason to consider the same as our special and necessary service. And so we bid you heartily farewell. Given at our court at Whitehall, the 26th day of March, 1678, and of our reign the thirtieth year. 1678.

"By his majesty's command,

"LAUDERDALE."

It is not improper to insert such an ample approbation as this, of so black a procedure, which makes his majesty indeed approve of what is done, and meanly enough crave lawborrows of his subjects; since such papers as this, when evidently reflecting upon the honour, and contrary to the real interests of a sovereign, are not so much to be considered as adding weight to any thing done by wicked servants, but as necessary, though very base, impositions upon a prince, and must be added to the rest of the misdemeanours and crimes of the managers, in order to screen themselves. This letter did not hinder the patriots who went up, from laying before the king the illegality and hardship in many things here approven, as we shall hear, though perhaps it was designed for such an end; but very quickly after it a stop was put to the bond and lawborrows; and so when I have noticed, that after the council, May 2d, by a direct act, did approve their committee and the procedure thereof, it will be fit to look back a little, and observe how matters go at court, as to the procedure of the committee, particularly as to the earl of Cassils. The earl was the first who went up to court, when he with others were denounced, as his case, which shall presently be insert, more fully bears, to give the king, a true information how matters stood: I hear he promised himself, and got access to the king, by means of the duke of Monmouth; and a letter I have just now before me, quoted, earl of Cassils's letter to duke, 1678, appears to me to have been to the duke of Monmouth, though he be not named in it. I insert it here.

"May it please your grace,

"The great sense I have of the duty I owe to the king's most sacred majesty, and the concern which every good patriot ought

1678. to have for that kingdom and country, whereof he is a member, have moved me to adventure upon the boldness of an humble address unto your grace. There is a great body of men, to the number of seven or eight thousand, the most part whereof are Highlanders, who are gathered together, and brought into the west of Scotland, upon free quarter, whereby there is the greatest complaint of violence, rapine, and all manner of oppression, that ever was heard in the world: they are all now quartered in the shire of Ayr, where my small fortune for the most part is. All men of ingenuity, virtue, and discretion, think it very strange, that when there is no rebellion, or the least shadow of an insurrection, that one part of the kingdom should be let loose upon the other; but especially that a multitude of men should be brought into a civil country, who have nothing to show they are men, but the external figure; differing in habit, language, and manners, from all mankind. All this country also are commanded to deliver up their arms. I am mightily troubled that I can never be so happy as to be looked upon as one, who, by all imaginable ties, would evidence my readiness to his majesty's service: whatever characters may be given of me, I faithfully declare upon honour and conscience, I am resolved, in all cases and disputes of a public nature, to be only determined by the king's most excellent judgment, and to deal very seriously with all my friends and relations, that they also may perform all acts of loyalty and duty that can be exprest by the best of subjects to the best of kings. There is a proclamation issued forth by the council, whereby no person dare go out of the kingdom, without a warrant from his majesty or the council. Your grace may easily observe how difficult and unfit it were to move any thing to the council; but if his majesty, out of his princely wisdom, and love to justice, which rules all his actions, would call upon such a person or persons, who are known to be of just principles, and very loyal inclinations, I humbly conceive it might tend very much to the satisfaction of the people, as well as to the interest of his majesty's service. I lay this with all submission at your grace's feet, and humbly crave pardon for giving you the trouble of so long a letter, which was only occasioned by the extraordinary state of affairs here at present. Robert Macnaught will wait upon your grace, and what commands you shall think fit to lay upon me, shall have a very punctual observance. I must only be a humble suiter, that I may be always honoured with the title of your grace's most faithful, most obedient, and most humble servant,

"CASSILS."

When this letter was writ, I cannot say precisely, but the matter of it seems to lead us to think it was before the bond and law-borrows were pressed; far less can I say any thing of the return made to the earl: this seems to have been sent express with the person named in it, and by the return the earl appears to have had room to write again, as he narrated in his case; and, when all application to the council was precluded by the proclamation, in the beginning of March, the earl ventures up; and, being allowed, he gives in the following paper, March 28th, which contains a short and distinct account of what is above, section 2d.

The earl of Cassils being commanded by his majesty, to deliver in writing under his hand the true state of his case, it was as followeth.

"The marquis of Athole, earls of Mar, Murray, Perth, Caithness, Strathmore, and others, having been empowered by his majesty's privy council, to raise and convocate the Highlanders within their respective bounds, as also their whole vassals, and all others under their command, and to march to any place where the council or committee thereof should command them; and in their march they were ordered to take free quarters, and were indemnified for what they should do, by killing, wounding, apprehending, or imprisoning such as should make any opposition, or such as they should have any reason to suspect; as by a commission given to each of them from the privy council, dated the 26th of December last, does fully appear. This commission from the privy council, in so far as the same doth order the

taking of free quarters, the earl does humbly conceive to be expressly contrary to the 5th act of his majesty's first parliament, wherein it is declared, 'That his majesty's subjects shall be free from provision and maintenance of any armies and garrisons which shall be raised and kept in the country.' The earl of Strathmore and others being warranted by their commission, to convocate the militia in the shire of Angus, and to march with them into the west country upon free quarters, this accordingly was done; notwithstanding, by the 25th act of the 3d session of his majesty's first parliament, the militia forces are to be furnished with forty days' provision, from the shires out of which they are raised, and the country to be free of all other charge for their maintenance. A letter of the 3d of January following, at the command of the privy council, was sent by the duke of Lauderdale to the earl of Cassils, as bailie principal of Carrick, requiring him to attend the committee of council at Glasgow, the 26th of that month, and to receive and obey the orders of the committee. In obedience to which he did attend at the time and place appointed. The lords of the committee, by their order at Glasgow, the 29th of January, commanded him, as bailie principal of Carrick, to receive from all persons, in whose hands the militia arms were, the whole militia arms of the bailiary, as swords, pistols, holsters, &c. and all heritors, liferenters, and others, were to bring with them their tenants, cotters, and servants, with their arms of all sorts, musquets, pistols, swords, pikes, halberds, lochaber-axes, dirks, and whingers, to be delivered upon oath to such as the major-general should appoint, in the presence of the earl of Cassils or his deputes; and whosoever should not give up their arms upon oath, should be quartered upon: an account whereof he was to return at Ayr, the 7th of February following; which was done accordingly. The lords of the committee of Ayr, by their warrant of the 7th of February, did order and command the earl of Cassils, to destroy and demolish the meeting-houses within the bailiary of Carrick, and to raze them to the ground, or to destroy or burn them; and to make a strict and exact inquiry into the persons who built them, or had been actors and abetters thereof, and whose ground they were built upon: all which he did accordingly, though the lords would not allow him any of the standing forces, nor the gentlemen his friends to go along armed to assist him. But when he gave the lords an account that he had demolished and razed them to the ground, they did, by a new warrant under their hands, command him to bring back the timber of these meeting-houses, to the same place where they were built, and to cause cut it in pieces, and there to burn the same to ashes; which accordingly he caused do. The lords of the committee, by their letter from Ayr, of the 9th of February, did ordain the earl of Cassils, to publish with all expedition, their proclamation, at the market-cross of Maybole, being the head burgh of that bailiary, and upon the next Sabbath-day, at the several parish church doors within the same; requiring and commanding all heritors, liferenters, and others, of the said bailiary, to appear before the lords at Ayr, the 22d of February next following, to subscribe such bonds as the committee should appoint; which proclamation was published accordingly. 1678.

"Yet, notwithstanding the earl of Cassils had given ready and entire obedience to all the orders and commands of the committee, upon the 10th of February, that is, twelve days before they were commanded to appear, fifteen hundred men were sent upon free quarter, into the jurisdiction of Carrick, most of whom were quartered upon the earl of Cassils's estate; whereby not only free quarters, but dry quarters, plundering, and other exactions, many insolencies and cruelties have been committed, too tedious and lamentable to report; of all which proceedings he gave an account by letters, unto his grace the duke of Monmouth. Upon the 22d of February, the earl of Cassils, in obedience to the proclamation, together with all the heritors, liferenters, and others, did appear at Ayr, and a bond being tendered to him, to be subscribed, obliging him that his whole family, tenants, and cottars, and their respective families, should abstain from conventicles, nor should reset, supply, or

1678. commune with forfeited persons, intercommuned ministers, vagrant preachers, but should endeavour to apprehend them; and in case the tenants and others should contravene, and be guilty, they were to be presented to the judge ordinary, or they were to be removed off the ground; and if he should fail in any of these particulars, he should be liable to the same penalties the delinquents had incurred. Which the earl of Cassils denied to subscribe, conceiving, as the bond was founded on no law, so it was impossible for him to perform; and that such practice was contrary to the laws and customs of all other nations. Whereupon a libel was given in against him, at the instance of his majesty's advocate, charging him to appear the 23d of February, before the lords of the committee, under the pain of rebellion, for being at conventicles, and other crimes of a very high nature, and was to give his oath upon the verity of the libel; who accordingly did appear, and upon examination he did depone negatively, only, if there had been any conventicles upon his ground, or if his tenants had been at them, he knew no farther thereof than by hearsay, he himself swearing he never saw any such conventicles, nor any of his tenants present at them. At that time also the lords of the committee did issue out another proclamation, commanding all noblemen, heritors, and others, who would not subscribe the bond, to sell off and dispose all their horses which were above the value of four pounds sterling price, before the 1st of March next ensuing; and in case any horse above that value, were found in any of their possessions, after that time, they should not only lose the horse, but forfeit the sum of one hundred pounds Scots money. Immediately upon his refusal to subscribe the bond, notwithstanding that he had cleared himself by oath, of all the crimes laid to his charge, the lords appointed a messenger to charge him with letters of lawborrows, to enact himself in the books of privy council, that his wife, children, men, tenants, cottars, and servants, should not go to conventicles and other disorderly meetings, under the pain and penalty of double his valued yearly rent; and in case of failie, he was to be denounced rebel within six days. Upon which he wrote to the lords of the committee, to entreat their lordships for a week's continuance; but the lords did refuse to grant him such a favour: whereupon he did immediately repair to Edinburgh, to attend the privy council, and to offer them all possible satisfaction, according to law, but upon his coming there, a proclamation was issued forth, commanding all noblemen, heritors, and others of the west country, to depart out of Edinburgh, within three days, to their own houses; before which time he was actually denounced rebel at the market-cross of Ayr, being the head burgh of the shire, and letters of caption issued forth against him for apprehending his person. Wherefore, finding himself in so great a strait, and his case being brought to such an extremity, and not knowing how to find a remedy in Scotland, and being assured many of these proceedings were illegal, and not warrantable, either by the statutes or customs of the kingdom of Scotland, he thought it his duty to repair to his sacred majesty, as being the fountain of justice, and to whose sentence and determination he is content to submit his life and fortune; being assured in his own conscience, that he has not, nor ever shall knowingly violate any of his majesty's laws or commands. And therefore humbly implores his majesty may be pleased to consider his case, and to examine how far these proceedings against him and his tenants, and the usage he hath met with from the insolence of the Highlanders and others, are warranted by law and customs of the kingdom of Scotland.

"CASSILS."

"This is a true copy, compared and examined with the original.

"J. FORRESTER."

"London, March 28th."

This Mr. Forrester was secretary to the duke of Lauderdale, and attested the copy, which was sent down to the council by an express, as soon as it was given in to the king. Accordingly, I find by the registers, that April 3d, a copy of the case of the earl of Cassils is produced in council, and a draught of a letter to the king is ordered to

be brought in to-morrow upon that subject, and accordingly it is brought in, April 4th, and approven, and, that I may do justice to both sides, I insert it here.

"May it please your sacred majesty,

"The firm assurance we had that your majesty would not weaken your authority in your judicatories here, and especially in your privy council, where your sacred person is more eminently represented, and to whom the care of your royal government here is committed in a most special manner, did not lessen the great satisfaction we received from your majesty's letter of the 26th of March last, nor can we forbear to express our thankful acknowledgments upon the receipt thereof; and though it doth fully secure us against all jealousies, that could arise from any application that any factious persons may make to you against us your faithful servants; yet being desirous to owe this favour to your majesty's justice as well as goodness, and to let your majesty know that we have not misemployed that power with which your majesty hath intrusted us, we resolved to satisfy your majesty as to a paper signed by the earl of Cassils, and whereof your majesty was pleased graciously to transmit a copy, which hath been shown to us, and in which we justly thought ourselves concerned. Whereas the earl represents, that we granted commissions to the marquis of Athole and others, to take free quarter, and that they did accordingly take the same, contrary to the 5th act of your majesty's first parliament: we humbly conceive that your majesty had just reason to look on his jurisdiction of Carrick, and some other western shires, as in a state of rebellion, since field conventicles are by your laws declared to be rendezvouses of rebellion; and that these were so increasing, that there were far more armed men assembled in them almost weekly, than could be repressed by almost thrice the number of your standing forces; so that we behoved either to suffer your majesty and the peace of our native country, to depend upon the discretion of such vagrant and distracted multitudes, or else take care to pluck up with one expense, what grew so fast, that their masters, and all who were sober, did with us apprehend *from them the most fatal events: and yet we invited the* commissioners of excise, justices of the peace, and your officers, and that earl, among others, to concur in suppressing them; which they returned to be impossible for them, the distempers having run so high, and being so universal, as they pretended, that your majesty could not secure the country, without the granting a new and universal indulgence, which, as it would have actually dissolved the present government, so would have encouraged those who had succeeded in this rebellious attempt, to proceed by new ones to wring the government piece and piece out of your majesty's hands, as those of less wicked principles had done by the same means, under your royal father: and therefore we conceived ourselves necessarily obliged, by your royal letter of December 11th, to employ such as offered their service in this dangerous exigent; nor can we understand what is a state of rebellion, if frequent rendezvouses of rebellion, grown above correction, be not; or how those should complain in this case, who were themselves guilty of suffering these to grow incorrigible, without ever using any endeavours to repress them, though invested with your authority, as sheriffs and bailies, which offices oblige such as are intrusted with them, to an utmost and exact diligence in suppressing all disorders, and allow them to raise all within their jurisdiction, for securing the peace; and they being so stated, we conceive that it is your majesty's prerogative and our happiness, that such forces as you employ for the safety of your crown and us, should be maintained by such as occasion those confusions. This hath always been done in all the expeditions made by your royal ancestors for repressing such intestine disorders, and was never challenged till now; and without this we were in no security, since our country cannot afford such standing forces, nor so much ready cash as may repress such rebellions; and if we wait till your enemies be armed, all remedies will then be useless, and the 3d act, parl. 2d, James II. gives power to raise the country, if there be 'violent presumption of rebellion, and spoiling the

1678.

1678. country by unreasonable and unruleful men.' But how many were and continued so armed, constantly as guards to declared traitors? and we could willingly be informed, how without this method, this kingdom can be secured. Nor is this contrary to the 5th act of your majesty's first parliament, which can never relate to a state of rebellion, but only to regular times, payment to such as are in rebellion being due by no law or sense, nor possible for such a cash as yours here, when many forces are to be raised; and the 25th act of the 3d session of your 3d parliament, is so far from restricting your royal power in this point, that by it your parliament make a humble tender to your majesty of their lives and fortunes, for the promoving of your majesty's service, and the advancement of your royal authority, 'and declare they grant the said militia to you for compescing any foreign or intestine trouble or insurrection, and give full power to your council to make this offer effectual, according to the instructions and commands they shall receive from your majesty.' These being the very words of the act of parliament, we leave it to your majesty to judge whether, in times and shires wherein there were such trouble, and constant rendezvouses of rebellion, as they acknowledge were above their correction, the law did not empower your majesty and us, by your express command, dated December 11th, to quarter these forces in these shires. Nor can we understand what the tender of our lives and fortunes, and the effectual prosecution remitted to the council, can import, if it do not import, that after your majesty and your council have used all means to suppress troubles and rebellions in an orderly way, you may not raise forces, and quarter them freely in such turbulent places. And as the said act offers you the assistance of our fortunes, whereof some few nights' free quarters is but a very mean part, in cases of trouble, as well as formal insurrections, so it offers the same wherever your authority and government is any ways concerned. And we leave it to any reasonable man to judge, if your authority and government was not highly concerned, where such constant rendezvouses of rebellion were kept by declared traitors, with such numbers of armed men; their numbers and contempt growing daily, and your ordinary officers declaring that the same was above their correction. But of this our procedure none can complain who deserved the protection of your laws, since by living peaceably and securing their own shires, they might evite the danger. But yet our orders are falsely represented; for we only gave orders to take free quarter, as your council and committee should order, and that your council has given order, is denied, so that as yet there is no free quarter, though these shires be the first advancers; and which, as it is necessary where there is no sufficient fund for payment, so they who advance cannot complain, if they be innocent, as we conceive the earl is not, having neglected to dissipate those conventicles, being your majesty's heritable bailie, having suffered meeting-houses to be built without any opposition, in a country where he hath so many friends, so much following, and so great jurisdiction, and having now contemned your proclamation, and accused your privy council for supplying what was his duty. And though every man in that shire was somewhat guilty, in not having opposed these insolencies, and that the shire in general is all that ought to be considered in such cases, where their representatives were called, and refused to concur, yet to the end that none should suffer but such as should continue guilty, it was offered by your council, that only such as should refuse to secure the peace should be quartered upon; and accordingly protections were granted to all such who secured the peace, so that no man suffered without his own fault, nor was any quarter taken without present payment, except in cases of necessity, your majesty's own guards being constantly paid, and your militia having been paid as long as their allowance lasted. And we may justly expect, that your people will think we would not introduce any thing wherein our posterity might suffer, more than those who complain now do, without being forced thereunto by the incorrigibleness of offenders, as well as warranted therein by your majesty's laws, by which we shall be careful to judge your people, and that no innocent may suffer.

"Whereas it is represented, that a bond was pressed without law, it is humbly asserted, that the bond was only offered, but not pressed; and we conceive many things are allowed in matter of government, for which there is no express law, there being new emergents daily, which parliaments could not foresee, and which are so sudden or mean, that they cannot attend, nor do they require parliaments: but it has been ever believed, that your majesty and council might do every thing in matters of state, which in prudence might secure the peace of the country, providing it be not against express laws, (which this bond cannot, nor is not by this paper said to be,) but especially where what they do is warranted by the former precedents, as the offering bonds has been formerly done by some who now refuse this bond, as appears by acts of council sent up to your majesty, with their subscriptions; so we conceive, that by the law of this and all other nations, the state may crave security from those who have given less reason of jealousy. And as to the legal security by lawborrows, it is expressly warranted by 129th act, parl. 9th, James I. And universal lawborrows are warranted by act 13th, parl. 6th, James II. And though in private cases the ordinary pains are inconsiderable, because in ordinary cases the taking such surety is remitted even to a justice of the peace; yet your majesty's privy council and justice court have never been restricted to any sum, as is clear by very many instances; and this is most just, because in extraordinary cases the security should be commensurate to the danger, otherwise it is no security at all: and who can assert that two years' valued rent, which generally exceeds not one year's real rent, is too great a sum for the security of the king and kingdom, especially since it is in every man's power not to contravene; and if they contravene not, they pay none; and if they trouble the peace of the kingdom, they cannot pay too much. The former reasons likewise do justify the disarming of the shires, and craving security for every horse above fifty pounds Scots, these being still accounted among the arms and instruments of war. And the strength of the frequent insurrections made by those shires against royal authority, having been found to consist in their horses; and by the act cited in this very paper, war, and all relating thereunto, is in your majesty's power; and this hath been done constantly in council, and assented to cheerfully by such as are now discontent, because the same is done by us. The other particulars relating to free quarter, the demolishing of these meeting-houses, and the insolencies charged only in general terms by that paper, are fully answered by the committee of your majesty's council. And upon a full review of both papers, it is humbly entreated, your majesty may be pleased to take such course, as may discourage such as have opened a new way of constant trouble to your majesty, of constant reproaching your council and judicatories, and of inflaming and misinforming the parliaments and subjects of your other kingdoms. Upon which account it is humbly craved from your majesty's justice, that the earl of Cassils, who hath contemned your proclamation, and charged your privy council with crimes of so high a nature, may be sent down prisoner, to be tried and judged according to law; of which pursuit your majesty shall be fully acquainted before it come to a final determination, which we conceive in this and all other cases to be the duty of, most gracious sovereign, your majesty's most humble, most faithful, and most obedient subjects and servants. 1678.

"Subscribed *ut in sederunt*, except the president."

The sederunt are,—President, treasurer-depute, register, advocate, justice-clerk, Niddry, Aboyn, Kintore, Caithness, Elphingston, Ross, Belhaven, chancellor, St. Andrews, Glasgow, Lauderdale, Douglas, Marishal.

Whether the earl of Cassils had allowance to answer this letter, I know not, but if he had, it was no difficult task. It is indeed smoothly enough drawn, and contains all that can well be said in defence of so black a step; but the foundations upon which the reasoning part of it leans, have been overturned in the former part of this history; and any thing like argument in it, runs upon

1678. mistakes and perfect stretches. It is well known, there was as little rebellion at field conventicles as in the churches; and the managers first give these meetings names, and then reason upon those names as law and fact, and find the west country in a state of rebellion, because in their conscience they have no freedom to engage to bear down these meetings, which there is no question the heritors could have done, if they had had freedom to do it, and had not been convinced other methods would be more for the king's interest. I cannot pass the letter without remarking further, that as their reasonings are ill founded, so they advance facts which all the country knew to be otherwise: for instance, that weekly there were more armed men at conventicles in the west, than three times the number of the king's standing forces could repress. People who were at these meetings smile at this bugbear the managers and prelates, from conscience of guilt, form to themselves. Till some years after this, there were very few armed at conventicles. Mr. Welsh, indeed, and a few others who were intercommuned, had arms with them, but their numbers were very insignificant: and what a mean shift, not to call it juggling with the king, is it to tell him, that the council had not ordered free quarter, but only the committee, who acted by their power, and that the exactions mentioned, were only advanced first by the shire of Ayr. Were they ever repaid? or was there ever a design to repay them? Another palpable untruth is, that free quarters were only upon refusers of the bond, when it is known that the Highlanders came many days before the time of taking the bond, and free quarters were allowed on Cunninghamhead's lands, and others who cannot be reckoned refusers. And what a jest is it to tell the king, that the bond was offered, but not pressed! If the sending in an army, and charging with lawborrows, and putting to the horn, was not pressing, I know not what is. But I am ashamed to insist upon such evident misrepresentations. With this letter an information by the committee of their procedure is sent up to the king. There were a good many of them now come to Edinburgh from Glasgow with it, and it follows.

"*A true information of the committee of his majesty's council, met in the west, their procedure against the earl of Cassils. Glasgow, April 3d,* 1678.

"The lords of the committee, in pursuance of their instructions, and the trust committed to them, having proceeded with all possible tenderness and equality against all persons convened before them, do admire the injustice the earl of Cassils has done himself and them, by misrepresenting them and their procedure, as appears by the double of a paper, the principal whereof, the committee are informed, the earl did sign, and address to his majesty; which obliges them to give the following account of matter of fact. As to the commission mentioned, given to some noblemen and others, the earl misinforms concerning the commission given to the earl of Strathmore; for he had no such commission for bringing out any of the Highlanders, having none under his command. As to the earl his coming to Glasgow, to receive the committee of council their commands, and for disarming the bailiary of Carrick, it was a duty lying upon, and which others in that country, who had jurisdiction under his majesty, performed as well as he: and the certification complained of, is conform to his majesty's letter to the council, December 11th, upon which the council's instructions to the committee were formed, and which were approven and signed by his majesty. The committee having, with much *lenity* and respect, treated the earl, in requiring him to throw down the meeting-houses in Carrick, which they might very easily have done by the king's forces which were there, but they judged it more for the earl's interest, and the preservation of his rights and privileges of jurisdiction, and that he might appear active in that charge he hath from his majesty, that it should be done rather by himself. But the circumstances of his carriage and deportment in that affair, is our duty to represent; which was as follows. When first the committee called for him, and held forth how neglective he had been in the discharge of

his trust committed to him by his majesty, in suffering meeting-houses to be built, and so to continue within his jurisdiction, and that he was so remiss in his duty, as never to give the council notice of it; yet the committee did then require him to concern himself in that affair, and to go and destroy these houses, which he positively refused to do: but after many arguments that were used to persuade him of his duty, and some of the members of the committee were dispensed with in private to advise him thereunto, he at last was moved to accept of the committee's written order, but with this express provision, that his acceptance thereof should not oblige him to performance, if he should meet with any opposition or resistance; which the committee, regarding his credit, designed to have concealed, and did not allow the same to be recorded. Nor was the demolishing of these meeting-houses performed by him; but the country people, hearing it was ordered by the committee, knew well it would be done however, and so prevented the earl, and demolished the same. And whereas the earl pretends, that the committee would not allow him to take along with him the gentlemen of the country in their arms to assist him, it is represented, that the last day for disarming that part of the country, was within a day of the time that he was to report the account of his diligence; but he had nine days' time from the date of the order, before the last day of the disarming, in which he might have very well done it, before his friends were disarmed: and albeit he was appointed to return and give an account of his diligence, against a certain day, yet so little did he regard the committee's commands, that for three days thereafter there was no word of him or from him. And at length there came in an unsubscribed paper, bearing an imperfect account; so that the committee rejected the same, as no report: and hearing that a great part of the timber was carried away to private places, the committee ordained the earl to cause bring back the same, and to burn it to ashes; which how soon the country people understood, they thought fit to prevent the earl by returning the timber, and burning the same which the earl at last reported to the committee as done: by all which it appears with what reluctancy and aversion he performed this service. As for the earl's causing publish the council's proclamation, at the market-cross of that bailiary, and parish churches, it is a service in course, always performed by all inferior magistrates in the kingdom; and albeit his lordship be the most considerable person in that country, he gave the least obedience to the said proclamation, whereby he gave ill example to others in the bounds. As for the free quarter and plunder the earl complains of, committed on his lands by fifteen hundred men, the committee denies their knowledge thereof, much less their accession to any such thing. Nor was there any complaint made thereof to them, nor to the major-general, nor, for any thing they can learn, to any inferior officer: but the committee being well informed, that the inhabitants of these lands have of late fallen off from being loyal and well affected, to be most disaffected, and the encouragers and entertainers of Mr. John Welsh, and other outlawed preachers, of any part in the west, did oblige them, for the peace of that country, to send a considerable number of forces thither, they having just reason to suspect that country as in a state of rebellion; in which case forces and their entertainment are necessary and unavoidable. We cannot but take notice in that paper of the earl's relating to the proclamation, discharging those who refused to take the bond, of keeping horses above the value of four pounds sterling, and of the penalty to be a hundred pounds Scots, how ready he is, if he had any ground, to make the committee appear unequal, by making such a seeming disproportion in the calculation of the horse's price in English money, and the penalty in Scots money: nor does he relate truly the restricted value of the horse, conform to the proclamation. Albeit the earl did purge himself by oath, of such delinquencies as he was charged with in times past, relating to himself and his own family, yet that laid no restraint on the committee, but that they, in obedience to his majesty's commands, might require the same legal security of him, by way of lawborrows, which they had done of all the heritors in 1678.

1678. that country. The committee does absolutely deny, that the earl did ever write to them any such letter as he mentions; and albeit he had, it had been most unfit for the committee to have granted any such desire, in respect it would have been a bad preparative, and not agreeable to their instructions. The earl does not inform right concerning the caption alleged issued out against him; for there was never any order to apprehend his person, nor was it intended by the committee; so that the strait he pretends to have been in, was altogether his own groundless apprehension; and the committee do humbly desire his majesty may take notice how the earl does calumniate and reproach them, as if their proceedings were illegal and unwarrantable, which they humbly conceive is a crime of a very high nature for any private subject to attempt, which they, in all humility, subject to his majesty's consideration.

"AIRLY, GLENCAIRN,
CAITHNESS, LINLITHGOW,
ROSS, STRATHMORE."

This representation hath nothing in it that needs reflections. As to the differences betwixt the earl and them in matter of fact, I am not to determine which of them are right, but very little of importance depends on that. We shall just now find, that the earl's representations, and the application of others, had that weight at London, that a stop is put to the lawborrows, and new methods are gone into.

We have already heard, that the earl of Murray and lord Collington were sent up to court, upon the going up of duke Hamilton and others; but besides this, the managers thought fit to publish and print a paper, entitled, "a true narrative of the proceedings of his majesty's privy council in Scotland, for securing the peace of that kingdom, in the year 1678." Which, that the admirers of the violences of this time may have no reason to complain of partiality, I have annexed below.* In the council-register, April 10th, they give order to print this paper by their authority. This narrative

* *True narrative of the proceedings of the council in the year* 1678.

There can nothing be so unpleasant to his majesty's judicatories, as to punish, nor for honest men, than to publish the errors of their own countrymen: and though the fatal consequences which did lately follow upon the like distempers, may create in all thinking men, an extraordinary abhorrence of such courses; yet since such as find no safety but in the common distractions, and no pleasure, save in the universal confusions of both state and church, have so successfully poisoned some, and endeavoured so industriously to poison many of his majesty's other subjects in all his dominions, it is hoped, that a true narrative of these proceedings will not be unwelcome.

It is too well known, how, after that episcopacy was established by authority, in both thir kingdoms, as that government which was most agreeable to the word of God, and the practice of the primitive church, and suited best with monarchy, some factious persons here did much disturb the reign of that wise prince king James, and overthrew the government under that pious prince king Charles I. in which rebellion (that grew up by plausible degrees, too like our present proceedings) under the specious disguises of liberty and religion, God punished us so appositely, that these parliaments which lusted so after boundless liberty, were absolutely turned out from any share in the government, and that new modelled church, which violently grasped at, even all the civil government, was rent in pieces by its own viperous brood the remonstrators, and fell from having any esteem with those usurpers whom they had raised. These disorders did first take rise, and had their chief maintenance from some western shires in this kingdom, who having been the chief actors in every scene of that bloody and tragical rebellion, were so far from wearying or repenting of having opposed their native prince, that they persecuted both in church and state, such of their former associates as resolved to return to their duty, and to hazard all in rescuing their king from that imprisonment, which they well foresaw was the first step to the scaffold: and thir rebels being inflamed at a communion in Mauchlin, they most rebelliously fought against his majesty's best troops; and after that worthy attempt, for rescuing his majesty from his imprisonment, 1648, was disappointed, they did again form their own tenants in an army, and therewith invade and plunder the Lothians, and other adjacent shires: and such as were weary of the insolence of that party, having called home our present monarch, these shires to disappoint the opposition made to Cromwell, drew a remonstrance, and divided from his majesty's forces, and declared by an act at the West-kirk, that if his majesty would not grant the concessions then proposed to him, and whereby all his prerogatives were to be secured from him, they would not own his government. And God having suffered his majesty's armies to be beat at Worcester, these remonstrators did, by all possible insinuations, endeavour to gain the usurper's favour, and did persecute such as had owned his majesty whilst he was in Scotland.

After his majesty's restoration, which God had made so miraculous, to confute the insolent appeals, which those people had always made to his extraordinary providence, and to disappoint the expectations of that party, who resolved to

appears evidently to have been writ in haste, and the council, in their own papers above set down, say more in their own defence than this doth. Abundance of 1678.

burden his return with such concessions as they had formerly extorted in anno 1650, his majesty and his parliament, as the representatives of the nation, did unanimously restore episcopacy, but so moderately, that no sober man could complain: and though many, of a different persuasion, deserted their charge in the ministry, yet all, save some remonstrators, frequented the ordinances, and lived most peaceably; but the chief of these moderate men dying, some remonstrators who were irreclaimable, fearing the schism might die out, admitted some young men to the ministry contrary to the principle of their own assemblies, which condemned *ministeria vaga*, and contrary to the express laws of this kingdom, which make these punishable by death, and they, with the help of these hotheaded young men, having inflamed some of their old western friends, (for it cannot be denied, but there are very honest and loyal persons in those shires) into a rebellion in anno 1666, whilst his majesty was, as they conceived, unable to oppose both them and those foreign enemies, with whom he was engaged then in a dangerous war, it pleased God to bless his majesty with a total victory over them: but yet his majesty, whose clemency is as extraordinary as his restoration, was so far from pursuing his victory with revenge, that he yielded to the importunate intercession of those who promised, that the indulging some parishes in the west, to have ministers of their own persuasion, would settle all those distempers; and though his majesty was pleased to try this, and all other means of reclaiming those shires, and to bestow upon these ministers the salary due only by law to the orthodox clergy, yet those of that party, finding their rebellion so successful, concluded that the same force, which had procured that, might procure more, and so they established new and flying rendezvouses of rebellion, called field conventicles, in which, under pretext of preaching, all lawless and disaffected persons got constant occasions of assembling themselves and adjusting their malicious designs, and of infusing into the people (in such remote places, far from the observation of all wise and judicious men) whatever their malice could suggest against the king, his laws, and government, and from which, as the true nurseries of rebellion, it was most easy for them to form and model themselves into armies, when those designs were fully ripened, as they had formerly done in anno 1666, which rebellion was but a running and continued field conventicle, led constantly by such as came to hear their ministers, who then governed them, preach upon that long march; they having, in a field conventicle at the Glenkens, kept their first rendezvous, from which they sent a party to Dumfries, and surprised a party of his majesty's forces, and thence having gone to another field conventicle in Cumnock, they proceeded to others at Ayr, Kilmarnock, Mauchlin, Strathaven, Lanark, after which they conventicled on to Pentland, where, by their being beat, this kingdom was restored to its former peace and quiet: and in which field conventicles, the covenant, which is condemned as treasonable by the law, was constantly preached up, and people taken upon oath, bound by it to reform England and Ireland, as well as Scotland, and to bring all delinquents to condign punishment: nor was the church and all Christian discipline in less danger from them; for the people were led out to hear such as, for fear of revealing, they were obliged not to know, and so Jesuits, anabaptists, and any sectary might have securely possest those ignorant creatures with what they pleased, and frequently did so, and these poor people, being once alienated from the church and its discipline, found therein a sweet liberty of staying from all churches, and of being subject to no discipline.

Upon which considerations, the king, by act of parliament, did wisely declare these field conventicles to be rendezvouses of rebellion, the minister to be punishable by death, and the hearers by proportional fines: notwithstanding of all which, and that such meetings are destructive to all government, unknown to, and unallowed by any Christian society, and preached against by the sober part of their own principles; yet those wild hill-preachers did still continue and heighten their fury to that degree, that such of their own party, as took indulgencies from the council, were railed at, and, in disdain, called council-curates; and such as officiated under bishops, were frequently robbed and assaulted in their own houses, and threatened with such probable cruelties, that they were forced to relinquish their charge. And to possess the people with a belief of their establishment, they did, contrary to express laws, keep presbyteries, synods, and other assemblies, entertain correspondence with the disaffected subjects of his majesty's other kingdoms, and kept armed men as guards for their ringleaders, preaching in all places, the lawfulness of resisting the civil magistrate, the unlawfulness of taking the oath of allegiance, that episcopacy was antichristian, all who owned them were perjured, and enemies to Christ; and the parliaments and laws by which they were established were impious and sacrilegious. And to convince the world, what might have been expected from these, if they had prevailed, let any man read those books printed by them, wherein, at their lowest ebb, they invite all men to oppose authority, as to a duty to which they were in the covenant obliged upon oath, and to kill all such as served his majesty, by the example of Phineas; which books poisoned so far those whom their former principles had prepared, that some of them adventured, even to assault his majesty's counsellors upon the chief streets of his chief city here, and in the face of the sun, and having in cold blood maintained it, and died justifying it, are to this day numbered amongst their best martyrs.

These enemies of all order waiting all opportunities that might distract, or add to the other distractions of their native country, finding in anno 1674, that some members of parliament had in several things controverted his majesty's authority, and differed from his ministers, they immediately flew out in Fife and other shires, to such heights, that they dared to usurp some pulpits even in Edinburgh, and to convocate in great numbers about the doors of his majesty's privy council, with most insolent petitions, tracing carefully the execrable steps of our former rebellion; but his majesty's prudence, and the

1678. reflections might be made upon all the branches of it; but the reader will find matter enough from the plain facts set down in this history, to obviate all

care of his privy council, having quashed those appearances, his majesty's authority did for some time overawe, though not reclaim them; but hearing that his majesty was like to be involved in a new foreign war, they assembled in mighty numbers in October and November 1677, and did violently invade the pulpits and persons of the orthodox clergy, and so threaten all with sudden and great revolutions, and resisted so frequently and insolently, such as came to them in his majesty's name, killing some, and wounding many, that the privy council thought it necessary to write to the sheriffs of those shires, to require an account of their diligence in repressing such disorders; who informed them, that they could not get either officers to cite the offenders, or men to buy their goods that were distrained, and that their numbers and contumacy were such, that they despaired of all success; and even the council found, that such as were cited before them, contemned still their citations, and by constant absences added to the former number of rebels: nor was it possible to repress those field conventicles, by legal processes, both because the far greatest part had nothing to pay, and so feared not the payment of these fines imposed by law, and it was impossible to discover who were present at them, because they stopt by armed men any from coming near them, who were not of their own principle. Whereupon the council finding all the ordinary legal courses fail, they wrote to the commissioners of excise, and justices of peace, of the shires of Ayr and Renfrew, which did comprehend most of the nobility and gentry of those shires, and invited and empowered them to take such courses as might secure the peace of the kingdom, and his majesty's other good subjects, against the jealousies and fears arising from such tumultuary and illegal convocations: to which they, in a full meeting, and after much deliberation, returned as an answer, that these disorders had spread so far, and were so deeply rooted that they thought it impossible either to settle the country, or answer for their tenants, except the king would allow them a new indulgence. Which answer coming, after the council's letters to other shires, of the like tenor, were ready to be despatched, they stopped the same, fearing that the example of thir shires might draw in their neighbours into the like combination. And it being proposed in council, whether it was fit to send unto these shires the few standing forces of this kingdom; it was urged by many, and very strongly, that the commons there had so shaken off all respect to authority, that they might probably disarm those few forces, and thereby both disable the king to make any defence, and force themselves, for maintaining that guilt, to join all of their party in an open rebellion. Whereupon it was thought fitter to arm some of his majesty's militia regiments; and the marquis of Athole first, and then others having offered their Highland men, this was thought less expensive, and might prove more formidable; and therefore was choosed by the council, who had resolved, with as little expense as could be to the innocent shires, (for the militia of these only could be armed,) to fright these irregular shires into an entire submission to his majesty's laws, conceiving, that it was much more kind and prudent to prevent early, and by one single expense, the increase of those rebellious principles and practices which were daily ripening towards an open rebellion; in which the whole nation might have wished, but in vain, that it had redeemed itself by so short and small an expense, from the payment of such vast sums, and the ruin of so many thousands, as fell in the late unhappy wars, and to which they found those disorders leading by the same fatal steps.

A proclamation was also issued out in his majesty's name, discharging all noblemen and gentlemen, to remove, without orders from the council, during this service, which as it hath been constantly practised in Scotland, so was necessary at this time, both to restrain such as might abstract themselves from his majesty's service at that exigent, and to retain such within the kingdom, as should be found obliged to secure the peace, it being most ordinary for such as judged themselves obnoxious, to retire whilst his majesty's forces were upon the place, and then return when they were gone, whereas, upon the other hand, it was easy to seek a warrant, and none was ever refused to such as offered probable reasons, which might take off the suspicion of their going away to elude the proclamation. His majesty's forces being assembled, it was resolved, that they should disarm those shires, a course formerly taken by the council in the like case, in March, 1667, by the same persons who now complain, whilst they themselves were counsellors, and leading men, and which is, by our express laws, a part of our king's prerogative: and in the next place, a bond was offered, wherein every heritor was obliged to answer for himself, his wife, and his children, under the penalties exprest in the acts of parliament, made by the universal consent of the whole nation, which obliges a man to answer for these delinquencies of his wife and children; so that such as object, that no man can be answerable for his wife or children, or for any except himself, do either not understand our law, or do maliciously endeavour to persuade the people, that our laws are unjust: and it is observable in all those fifth-monarchy presbyterians, that where law can be any way wrested, they make much noise of laws and customs, but where that cannot be so debaucht, they cry out against them as impious and not binding. The bond did likewise oblige the masters, either to pay the fines of their tenants, or to remove them after they were found guilty of contravening his majesty's laws, or else to present them when called for by his majesty's judicatures, which was also most easy; for since these alternatives were in every man's power, and since the council judged this the only expedient for securing the public peace, and that it had been formerly practised in October 1666, even by such as now shun to subscribe this bond, though in that proclamation issued out by them, all were commanded and charged under the pain of rebellion, whereas this bond was only offered, and which proclamation was much more ample and severe, as the proclamation hereto annexed can clear. It is strange that any man should refuse to con-

that is there. However, as a more direct answer to it, I have likewise insert* a letter to a friend, writ at this time upon the receipt of the true narrative, 1678.

tribute all that is in his power, to establish peace where there is such hazard of troubles; and the reason why this expedient was thought on, was, because the council was not able to know, nor pursue every private tenant or servant: but these knowing that their masters were bound, and the masters knowing that they might be overtaken, this would make both very circumspect: and yet the penalties were only these to which the tenants were liable, by express acts of parliament: and in the last bond, all was sweetened by the former easy alternatives, and by the first act, 3d session of his majesty's first parliament. The parliament foreseeing, that new methods would certainly be invented of disappointing the remedies proposed in that statute, and that it was not necessary, and would be expensive to convene parliaments upon all such occasions, they therefore empowered the council to inflict, not only the penalties therein mentioned, but such other corporal punishments as they should think fit, and to do every thing that they should find necessary for procuring obedience to that act, made by them against separation and disobedience to the ecclesiastical government, and which power was indeed very proper to the council, to whom by our law the administration of the government is intrusted under his majesty; and which act they thought a sufficient warrant of the proclamation 1666, for obliging the subjects to give bonds, and for denouncing of such as refused, and declaring their leases null: whereas the bond now is but only offered; and by the paper subjoined to this narrative, it will clearly appear, that this council was obliged by the practices of such as now complain, to do all that they have done, and was more necessary now than then, since these western shires had not then risen in rebellion, before October 1666, and field conventicles were not then so numerous, whereas now, they are declared the rendezvouses of rebellion; and how could this council be answerable to suffer ten times more than his majesty's standing forces, to be assembled in arms weekly, and in despite of law, or what nation under the heaven does suffer the like? Yet this bond was not pressed, but such as refused it when offered, were thereby thought to have given just reason of suspicion: and therefore, as any private man may, upon presumptions, crave surety from another, that they shall not trouble them; so the council did justly crave this legal surety, called lawborrows, from those who refused this bond, which security is consonant to all law; and that the state have formerly sought the same as well as private men upon presumptions, and are still warranted to do so, is clear by act 3, parl. 2. James II. Nor are two years' rent too great a penalty, for though in private cases the pain or sum be small, because there every justice of peace may exact the same, yet in extraordinary cases the pains have still been commensurate to the occasion, by the privy council and justice court, as is undeniable; nor can there be any security, where there is not a commensuration betwixt the surety and the hazard: and who can deny that two years' valued rent (which amounts to little more than one year's true rent) is too great security for the peace of king and kingdom; for if the giver of that security does diligence, and lives peaceably, he pays nothing, and if he will not, he can never pay too much where the hazard is so great.

These forces having marched, the council by warrant from the king, ordered them to take free quarter, not absolutely, but according as the council or committee should allow; nor gave they ever absolute order for free quarter, but on the contrary, they ordained all such as should secure the peace, to be freed from quartering, and that the fines of the delinquents should be employed for paying the forces, who voluntarily contributed their assistance; but it was fit to insert free quarter in the commissions, because many emergent accidents might have made the same necessary. And the king having been put to raise forces upon the foresaid tract of disobedience; and, after all ordinary courses and remedies had failed, could there be any thing more just, than that these who justified the foresaid presumptions against themselves, in not finding surety for the peace, should have been the first advancers, and quartered these forces, than that these quarters should have been paid by the innocent shires, who sent out the militia, or by those who voluntarily assisted and raised, and brought their forces upon their own expenses? And to show that the king resolved to take no advantage in this quartering, but to ease the innocent, his majesty's own standing forces paid daily every farthing. It is likewise offered to the consideration of all who understand our government, whether it can be denied, but that the kings of Scotland had ever the power to raise forces for quashing, even the appearances of insurrections; for it were too late to prevent them when they are raised, and they never having a constant cash, nor any suitable allowance for this effect, they constantly quartered freely such as were raised upon that account, nor was this ever quarrelled till now: and as the council of Scotland never asserted, that free quarter was lawful in time of peace, so no reasonable man can deny, but that it is fit and necessary in time of trouble, or presumption of spilling the country by unreasonable and unruleful men, to raise the country, as the act of parliament foresaid expressly bears; and when raised, was it ever controverted that those countries which gave occasion for that raising of forces, should entertain them, there being no fund or ready cash destinated by our parliaments for that effect: and since by the 25th act of the 3d session, first parl. Charles II. the parliaments do, beside the militia, give a power to the council to dispose and manage that whole affair, so as may best make

* *Observations upon the true narrative, April 1678.*

Sir,—My expectations were great, when I heard that a vindication of the late proceedings (which I never thought capable of any) was at the press in Edinburgh, and my thanks to you are proportionable, for your sending the paper, though with a new title, to me, wherein I found at first, that the worst of causes hath got this piece of justice, that it is fallen into the hands

1678. which abundantly exposes that paper, and so I say no more of it, but come forward to give some further account of the application made to the king, upon the

the offer there made of their lives and fortunes most effectual, and declare that they will hazard their lives and fortunes, as they shall be called for by his majesty, for the safety and preservation of his sacred person, authority, and government, how can any good subject deny so small an assistance to his majesty, when his authority was so baffled and endangered, and where nothing was called for to his majesty's private use and advantage, but merely for their own safety and preservation? And albeit it may be too well argued, that these shires were in a state of rebellion, field conventicles being declared by our law rendezvouses of rebellion; but there were not only such field conventicles as were punishable by pecunial sums, but convocations of the people in arms, not accidentally or infrequently, but frequently and avowedly, and under the conduct of many ministers, who were either declared traitors for being in that rebellion in arms, anno 1666, or being declared rebels by legal sentences since, were intercommuned by open proclamations, and who in all countries kept correspondency, and renewed the treasonable oath of the covenant, railing against the king, his laws and servants, and, after express commands and proclamations, discharging such meetings, as tending to overthrow the government of church and state; and is not this such a degree of rebellion, at least as, when all remedies failed, might have allowed quartering in such shires, as entertained these rendezvouses of rebellion, without any opposition? Yet such was the clemency of our gracious prince, and such the moderation of his council, as that they ordained the quarters to be paid out of the fines of the delinquents, and that all such as offered to secure the peace, should have none quartered in their land; and albeit it is impossible to convocate so many men without some irregularities, yet so strict instructions were given by the council, and so great care was taken by the committee and officers, that fewer were committed from so great numbers than could have been expected, and none were ever complained of to the council or their committee, which were not redressed, and the clamours are raised by such only as resolve to cast an odium upon all that serve his majesty; and yet the clamours against what is done in the west, are much greater in Edinburgh than in the shires who are said to have suffered, and greater at London than in Edinburgh. It might well be expected, that these shires which had taken free quarter themselves, without any just quarrel or order, would not quarrel that quarter which had the king and council's order for its warrant, and their own guilt for its occasion; but such murmurers ought to consider, that by so doing they discourage others for the future to assist the king freely, which is great unkindness to the king, and obliges the king to require a suitable standing force, which deserves little kindness from the country, and that all this noise tends to lessen our security, and to heighten the expectations of such as resolve to rebel, and by such lies the last rebellion was from a spark blown to a flame.

Whereas some assert, that the council could not legally garrison the houses of private persons: the answer is easy; for it were strange, that our king should have the ordering of peace and war, and yet might not garrison houses, when he sees great presumptions of rebellion and trouble, having no forts nor garrisons in those shires, maintained upon the charge of our nation; nor were any houses garrisoned here, save where the proprietors refused to secure the peace, or were found guilty of breaking it, or had other houses wherein they dwelt conveniently; and albeit the commissioners of excise were desired to furnish them with necessaries, yet these were to be repaid by the king, who could not make present preparations of such necessaries, without the assistance of such as lived in these shires, and bond was given for the repayment: our gracious king and his council here, have never persecuted tender consciences, punishing only such as, not content to serve God in a sober way, inflamed their native country with their irregular zeal, and it is expected, that such as reflect upon what has been lately done by the king and his council, should first remember the lamentable miseries, into which this nation was thrown by such, and even milder beginnings and actors, our property disposed of arbitrarily by committees, our persons dragged to prisons and scaffolds, for obeying those whom it had been treason to disobey, our nobility and gentry insulted over by every little minister, and his own tenants in kirk-sessions, our parliament made ridiculous and ineffectual by their general assemblies; and if the council had suffered such practices to grow up unto open rebellion, had not our neighbour nation, as well as our own, just reason to have condemned our clemency to these as cruelty to them, and to demonstrate that persons, not things, are aimed at in these misinformations. It is most observable, that his majesty's own officers, as sheriffs, and others, who ought to have opposed, are these who complain most of the opposition made to these disorders, that have been fostered up by their negligence or connivance, and that when the king or council do any thing to soften or reclaim these imbittered and humorous creatures, it is cried out against as indulgence; and when they do the least thing to restrain them, it is railed at, by the same authors, as tyranny; but since some in our nation could not, nor yet cannot be quiet under the kind and gentle government of king James, king Charles I. and our present monarch, and whilst the remembrance of our late distractions are yet fresh with us, what can be expected from such persons and principles in after ages?

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of the weakest of advocates, which is a main encouragement to incline me to gratify your request of having my observations thereupon. The only difficulty I find is, that the errata are so many, that but to note them all would swell this letter to a greater bulk than the pamphlet itself. Take these few then, and use them as from and to a friend.

In all papers of this nature, four things are desired and expected. 1st, That nothing but truth be narrated. 2dly, That truth important to the business be not unfaithfully concealed.

back of this Highland incursion upon the west.

Our managers highly blamed the noblemen and gentlemen in the west country, who had made a stand against the bond, backed with so many savage arguments, and laid all the blame of the obstinacy of the meaner sort upon them, and 1678.

3dly, That what truth is narrated, it be done without mixture of falsehood in circumstances. 4thly, That there be reason for publishing the same. In all these four this narrative is fully peccant. 1st, There are many gross falsehoods in it, as every understanding Scottish reader cannot be ignorant of; and though the author's years and ignorance of matters of fact, thirty or forty years since, may offer some kind of apology for his unfaithfulness in some of his more remote relations, yet such as were done lately, leave him destitute of that plea. Of this sort take these among many, 1st, That episcopacy was restored in this kingdom moderately, p. 4. l. 21, 22. All Scotland knows, that in less than a year after its late establishment, it arrived to a far greater height in pomp, power, and persecution, than the former prelacy did in forty years' growth; so that it is hard to conceive, how it could have been more immoderately and excessively inferred, the convictions whereof were so strong in some of the same persons, that both then had, and yet have, the exercise and management of affairs, that they found it necessary to abridge it in some things, chiefly in its power of the high commission in 1667. 2dly, That many deserted their charges in the ministry, ibid. When the certain truth is, that of the most peaceable and innocent nonconformists, hundreds in a day were most violently ejected, and then they and most of the nonconforming in the kingdom, (a very few excepted,) so pursued with proclamation upon proclamation, that it was a wonder they were not all ejected out of the nation. 3dly, That all, save some remonstrators, frequented the ordinances, and lived most peaceably, ibid. Whereas it is known, that many, not remonstrators, did never haunt their assemblies for worship, and that such as began first to appear publicly in preaching, notwithstanding prohibiting laws, were neither ministers nor men when the remonstrance was framed; yea, it will be found, that almost all the ministers who are preaching publicly on their hazard this day in Scotland, did enter into the ministry after both the remonstrance and protestation, which the author doth ignorantly or maliciously confound. 4thly, That they admitted some young men, ibid. It is most certain, that before 1666, (which is the time the author speaks of,) and some years thereafter, neither was there any of the many nonconformist preachers ordained, nor any young man licensed to preach in all the kingdom. 5thly, The calling the rising in Galloway, 1666, a running and continued field conventicle, p. 5. l. 14. is a ridiculous fancy, and with as much shadow of sense, may the campaign in France and Flanders be called by the same name. 6thly, That the Jesuits, anabaptists, and other sectaries, frequently preach at those meetings. It is well known to the nation, and I doubt if dreamed by the author, that the Jesuits are under no such necessity to go to the fields, they have warm protection in spreading their doctrine; nor are they such fools as to try their hands amongst Scottish fanatics, who do daily forsake their bishops and curates for their begun advance to popery, and other sectaries are but rare in Scotland, and rarely and gently troubled; it is only the presbyterian against whom the strictness of the law strikes. 7thly, That field conventicles are unknown to and unallowed by any Christian, ibid. Hath this man read the Bible, or the History of Scotland, or the Netherlands, where field meetings have been used to accommodate the multitude, whom no house could contain, and whereunto the people were in no such constraint, as the presbyterians in Scotland are by such strict laws, fining deeply lands and houses where the meetings are kept? 8thly, That the council gave not absolute order for free quarters, (see p. 10. l. 12.) but it was fit to insert free quarters in the commission, because many emergent accidents might have made the same necessary, l. 16, 17. It would seem to insinuate to a stranger in Scotland, that free quarters were neither ordained nor exacted, but he might have as well denied that a host of many thousands of men without pay, have been in the west since January 24th, or else truly have asserted, that they lived all the time upon the air. 9thly, That his majesty's standing forces paid every farthing, ibid. It can be proven, that they did degenerate from their first civility, by the influence of bad example, and the licentiousness allowed to the Highlanders, and that they often took free quarters, if not more. 10thly, That so strict injunctions were given by the council, and so great care taken by the committee and officers, p. 11. l. 28, 29. It is a marvel to see such words printed by authority, that there is here such a heap of untruths, that there is none of the wild host, or of the oppressing committee, or of the oppressed country, whose conscience doth not witness against the falsehood of these extenuations, after that the best part of the kingdom is impoverished and almost laid waste, by a crew of barbarous and savage men of another language and custom, and of no religion, and so oppressed by free, dry, and assistant quarters, besides open robberies, above what the king of France useth in his conquests: to see all this rapine and spoil tushed at as nothing, may make men to think that it is the mind of this writer, and such as are of his sentiments, that since the people in the west had not their throats cut, their tongues should not complain. 11thly, That the clamours against what was done in the west are greater at Edinburgh than in the shires, and greater at London than at Edinburgh, ibid. It is like that his tender ears hear these at Edinburgh, and his frightful heart apprehends the effects, that the reports of them at London may produce through the nobleness and clemency of the *king*; but thus to jeer at the cry of oppression, (which hath doubtless come to the ears of the God of judgment, and when its account shall be published to the view of the world, will render all them, in whom is ought of Christianity or humanity, amased,) is the sure proof of a seared conscience, and a heart void of pity. 12thly, Neither king nor council have ever persecuted tender consciences, p. 12. l. 15, 16. is an assertion that innumerable consciences,

1678. began to entertain thoughts of prosecuting some of them with the utmost severity. Upon the other hand, the barbarity of this experiment of the Highland host, with the fears of further arbitrary steps, sourd the spirits even of many who were indifferent as to church government: not only did the poor harassed presbyterians

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carcases, and purses, for these eighteen years last past, does unanswerably witness against. The only apology for this lie is, that he knows not what a tender conscience is. Thus, sir, I have given you a round dozen of untruths, and it were enough in so many pages, but I have left as many more to a careful gleaner.

2dly, Truths important to the business unfaithfully narrated, as, 1st, The great numbers of nonconformists in Scotland, and the general fury of the body of the nation, cross to episcopacy at the king's restoration. 2dly, The fair-like claim they have for expecting toleration, at least by act of parliament, king Charles being present in person, and ratifying therein the covenants, his present majesty's coronation oath, and many laws formerly made, securing the subjects, (if any moral security would have done it,) from the re-entering oppression of prelacy. 3dly, What great afflictions the nonconformists have endured with patience for that persuasion, which would require a volume to relate fully, and how that under these pressings their party grows daily, so that they may well be reckoned the greater part of the kingdom, these who conform being generally compliant with prelacy, rather for their outward ease and interest, than for any conviction of the righteousness of the cause, commonly confessing, that they would more cheerfully submit and concur, if authority did re-establish the former government of the church. 4thly, Their peaceable submission to an hard oppression, which might rather have found a reproach for excess, than a calumny for the contrary.

3dly, Unfaithful mixture in narrating truth, and here I shall not so far trespass, either upon your patience or your memory, as to trouble you with the pointing out of the words, to which these truths are well known to be opposite: 1st, That it was the active opposers of the engagement, 1648, that invited and brought home the king, 1650. 2dly, That as the remonstrance was never owned and approved by the superior judicatories of the church and state at the time of its framing and presenting, so there is hardly any minister in Scotland now alive, that had any hand in it, and few of either officers or gentlemen, except the present president of the session, whose interest in it was remarkable; and yet these same remonstrators fought stoutly against the English at Hamilton, and afterward they and such as came nearest to their spirit and principles, kept the greatest distance from the usurpers, all the time of the usurpation, the contrary whereof is falsely alleged by the author. 3dly, Though any appearance of faction and distance amongst the grandees, might well give the nonconformist encouragement to improve such seasons (wherein few reasons of state or executions of the law against them did sleep,) for preaching and hearing the gospel; yet it is certain, that the known naughtiness of the curates, and the pride and opposition of the prelates, with the visible successes of the nonconforming ministers' labours, had still the greatest influence on the increase of their meetings, and that these assemblies are now greater and more numerous than when opposition to them was far more moderate. 4thly, The insurrection, 1666, is often and much reflected on, but if its occasions, and provocations to it, with the executions and oppressions following the defeat, had been also related, the reader would have inclined either to justify or excuse the attempt, or at least to account the author hugely impertinent to make a boast of clemency in this case, wherein the height of rigour and severity was used on many of the meanest accessories. 5thly, The indulgence is several times invidiously named, but the visible constraint of prelacy, rather than of any compassion or affection of the party, which did occasion the grant of it, and the miserable clogs it was attended with in its second edition, with the narrowness of the plaster for the sore, do clearly prove its insufficiency, to conviction, as is fraudulently passed over. 6thly, The supplications of a few weak women in Edinburgh, who were encouraged thereto by a preceding moderation for some months, is foolishly and falsely likened to the considerable addresses made to the council by persons of all ranks. I might add, as a thing hugely impertinent, that he would fain rank all persons dissatisfied with the present arbitrary and oppressive course, in one class with the nonconformists; yea, he likens the present dissatisfactions, and the native method of complaining to his majesty, unto attempts and endeavours for casting off episcopacy in king Charles I. his reign, both which are groundless and invidious; and since the author, to show his spite, will needs go back thirty or forty years, (which length of time brings always a new generation of men upon the stage,) to seek out invidious passages, wherein the present discontented party had no interest, and wherewith the principles of the greatest and most considerable of them have no conformity; I wish, to render him more ridiculous, he had gone back sixty or eighty years further, and begun his piquant narrative from Knox's seditious principles and practices, and the field conventicles at Perth, Carnpat Muir, Carberryhill, and Langside, where the queen regent was opposed by arms, and where her daughter Mary was taken prisoner, and deposed, and, after her escape, was driven out of the kingdom, which brought her at last to a block, for alleged treason against queen Elizabeth: with which courses secretary Livingstone was displeased, and afraid of his danger for opposing the same, that, as was generally thought, he ended his days wilfully by poison, as Spotiswood testifies. These things had afforded reflections on a discontented party, not much more impertinent than Mauchlin Muir, and Whigmore-road, and the remonstrance do on most men now alive.

For the last thing required in a narrative, the obvious reason for the publishing it, I am sure the design (if it has any that is rational) must be information, which it cannot be, for it is full of defects and falsehood; or the author had done better to have remained a thinking man, and not so unhappily meddle in writing; and this brings

groan under this inhuman treatment; but even a great many who had been active enough in establishing of episcopacy, and had taken the declaration, and given all proofs now required of their loyalty, grumbled exceedingly; and they began to entertain thoughts once more of trying what pity the king would exercise towards his poor harassed subjects. Accordingly, towards the end of March, duke Hamilton, and about a dozen of others, went up to London. Roxburgh, Haddington, lieutenant-general Drummond, and many others, joined the duke in this matter, and a good number of the most considerable of the gentlemen in the west and south. The managers at Edinburgh pretended to ridicule them, and assured their friends they would get no access at all there; and alleged, that since their grievances had never been once offered to the council here, the king would certainly refuse to look upon them. However, their going off without asking leave, was not a little surprising and unexpected to them. Sir George Lockhart was going up about his affairs, and having then no land estate, and not being an heritor, those circumstances made him not comprehended in the proclamation discharging persons not to leave the kingdom without allowance. Great pains were used to prevail with Sir George to ask a license, but he, for the reason above, would not so far gratify them. But the two persons who were most noticed in this application that was made for the redress of grievances, were the marquis of Athole and the earl of Perth, who had been officers in the army who invaded the west, but still moderate in their management. How it came that they changed sides, I shall not say: it is a charitable construction put upon it, that when they came to the west country, and observed the peaceable carriage of presbyterians, and had occasion to converse with the noblemen and others of good sense, and found how matters stood, they could not any more be active in the severities, which were, without any colour of reason, used against them. Whatever was in this, I find, that when they returned, they were so displeased with the violence of the prelates, that they were alleged to countenance conventicles, which at the return of the year began to be set up in such parts of the nation, that were not immediately under the terror of the army. Of this I find the bishop of Galloway complaining heavily, in a letter to the lord register this year: my

1678.

to my mind, what I heard related about its name and title, which was ominous, and in *limine cespitare*, that after some hundreds of copies were printed, the title (another than this) was found ill contrived and unsuitable, but so hasty were they to send it abroad, and so thrifty of expense, that they would not destroy the copies, and reprint them anew, but cut off the first title page, and substitute this in its room, (as is seen in most of the copies, the first sheet whereof is divided,) and so instead of the much expected and boasted of manifesto and vindication of the late proceedings, we must be satisfied with this lame narrative of them, and if ever there be a necessity of publishing such a worthy piece, some would offer a third title, and desire it may be called, the second part of Aretina, or the first part of the apostatized Calumniator *publicus*, against that party or interest, in whose service he broke his leg about four years ago, and in deserving whereof shortly after he broke his faith, neither of which can ever be made straight again: but, however, whether or not this title might fit this paper, or the paper fit the title of narrative, or rather invective, this only I would note, that the publisher of such a rude and raw paper at this time in this dress, is justly censurable, for herein is the act of oblivion violated, and principles and actions (which time itself might have purchased oblivion for) again raised, and invidious comparisons stated betwixt old and present things, and very dangerous practices defended, and more dangerous principles, all which are of very bad consequence.

You may think strange that I have omitted many things of the greatest importance, but it is purposely done. 1st, Because I resolved to crowd all in one letter, the bounds whereof I have almost transgressed. 2dly, Because many things, wrong in this narrative, are, either by the very words or explicatory enlargement of them that are in the narrative, clear, as of some late proclamations, the gross mistakes whereof, it is hoped, that a significant and dutiful way be taken to discover to his majesty and the world. 3dly, As for the great things, the bond, law-borrows, host, free quarters, garrisons, disarming the country, and the grounds hinted for their justification, some of them worse than the thing they are brought in excuse of, as that the west was in a state of rebellion, and the compliment of the subjects' lives and fortunes, and the act of militia may be made a relative, and disposed of as the council sees occasion, since these things are the subject of the grand grievances of the nation, and, I doubt not but will be managed with full conviction to all the world; I think I am bound in civility to forbear to meddle in so great a cause, espoused by so many noble patriots, and in present dependance before his majesty's royal throne. Vale.

1678. copy of it wants the particular date, but I suppose it has been before they went up to court, and I insert it here.

"My lord,—Since my return from the north, I am surprised to hear of the great and insolent field conventicles in Perthshire, it being as much influenced by the marquis of Athole's example, as directed by his authority. There is, besides many others, a constant field conventicle now settled in the confines of some parishes, viz. Methven, Gask, Tippermuir, and another, where it is marvelled, that many observe several shoals of Highlanders in their trews, and many barelegged, flocking thither to propagate the mischief of the "good old cause." It is to good men no small discouragement, that a shire under the influence and conduct of the marquis of Athole and the earl of Perth, who say they are true sons of the church, should (being formerly orderly and obedient to the laws) become so turbulent and schismatical; especially since the marquis is sheriff-principal, and that one altogether devoted to his lordship is sheriff-depute of that shire, in whose hands is placed the power to punish and suppress these disorders. I write this, being informed of the state of the shire by a most serious, godly, and knowing minister, that my lord M. may know it, and the rather that it comes from such a minister, as is a great honour of his noble family. Many questions are hereupon proposed, which I am not able to answer, (as I gladly would), which insinuate all the blame of those disorders and disturbances to be upon the marquis and earl foresaid, but especially upon the former; such as, 1st, How comes this change on a sudden, that the most orderly and obedient shire should become so irregular and turbulent? 2do, Whence is it, that the marquis of Athole and earl of Perth, so long as they kept friendship with the duke of Lauderdale, and consequently clave to their duty to the king, that shire, under their power and influence, continued in order and obedience; and now since they parted from his grace, that it is fallen into these disorders, which are so destructive to monarchy, as well as to religion and the church? 3tio, Whether there be not a deeper design in corrupting Perthshire than many are aware of, that shire being the key to open the door to all manner of mutinies and disorders into the northern parts of Scotland, which is yet almost untainted, yea, and unacquainted with these ill humours and disorders that infest and threaten the peace of the kingdom? 4to, Whether this discontented party have not so far prevailed upon the marquis of Athole, and earl of Perth, as to engage their lordships to give way to these outbreakings and insolencies, to suffer the other half of the kingdom (which is yet entire) almost to be embroiled and debauched? thereby their lordships may in the issue be as much endangered as the king and kingdom. 5to, Whether all those pretences can in any tolerable sense be reconciled to the principles of these noble persons, who profess not only a kindness for our poor desolate church, to repair the ruins thereof, but a zeal for the famous and well composed church of England; or, if these professions be not industriously made, the more effectually under trust to ruin the interest of the protestant religion in both churches. For my part I am not able to answer these shrewd questions, when put to it. My good lord, I freely allow your lordship to show my lord marquis this letter, and show him I have so much zeal for the king's service, the interest of religion and the church, and so much honour for his lordship, that I could not conceal this from him, nor from your lordship, who, I know, wishes both his person and family both honour and happiness, he keeping his duty to his prince and his prince's faithful ministers: yea, the rather I do it now, that by the same honest minister I learn, that the fanatic people openly say in that shire, that they expect connivance from the marquis of Athole and earl of Perth; and that Mr. Henry Murray, when charged with neglect in not punishing these disorders, individiously blamed the privy council, who, I am sure, never denied assistance and encouragement to sheriff-principal or deputes, for suppressing of these mad disorders. I beg pardon for this long letter, which my zeal for the church hath drawn from me, to which I add nothing, but that I am, my lord, your," &c.

This letter, though writ with art enough, if communicate, did not hinder these two noblemen from appearing with others for the liberties of their country, and accordingly they went up to London. I am informed, that when they, with their servants, and some gentlemen, were upon their road in Annandale, they lost their way; and it being late, the two noblemen were obliged to shelter in a cottage in that country. The people having heard somewhat of their errand in going up, were extremely kind to them, wishing them heartily success. When they could not get in their horses under lock and key, or perhaps to any house, the noblemen appeared concerned for them, lest they should be stolen, having heard Annandale spoken of for stealing of horses; but the country people told them they were in no hazard, there was now no thieving among them, since the field preachings came into that country, and talked of many other branches of reformation wrought by Mr. Welsh, and other preachers among them. We have heard, that as soon as the council got notice of the duke of Hamilton and others their being gone off, they sent up the earl of Murray and lord Collington to the king, to counter them; and we have had the letter writ with those. Nothing further offers until the 19th of April, when an express came down from London to the council, who were called at eight in the morning; and from a letter writ that week from Edinburgh, by a good hand, I find, that they sat close until four in the afternoon. I have noticed nothing in the registers of this day's date, but the letter to the earl of Murray and lord Collington, upon the king's letter and commands to the council, bearing, "that he had considered some representations made by some of his subjects, anent the late methods with the west country, with the answers made thereunto, and replies, which so fortified the representations, that he resolved to hear and consider things fully; and in the meantime commanded that the bond and lawborrows be suspended till his further pleasure be sent, and that all the forces, except his own guards, be immediately disbanded." This letter was very surprising, when by their last they had desired, and no doubt some of them hoped, that the earl of Cassils should be sent down prisoner. That same day it was said at Edinburgh, that the king had appointed six of the cabinet council at London, to confer with our nobility that were gone up, the dukes of York, Monmouth, chancellor, and three others. Upon the receipt of this, the council despatched Sir George Mackenzie to London, and with him they write the following letter to the earl of Murray and lord Collington, whom they had before sent up to manage their business. 1678.

"My lords,—We received your lordships' letter, signifying to us his sacred majesty's commands, which, with all others that shall come from him, shall ever be obeyed by us with all alacrity and satisfaction, being bound not only in duty to be exemplary to others, in an entire deference to our royal master, but in gratitude to his majesty, who does so wisely and generously own us in maintaining his own authority. You know how much all were inclined to give the council ready obedience, till these noblemen interested themselves in this fanatical quarrel; how ready all were to concur in assisting his majesty, both with their own tenants and militia; and, which is very remarkable, how ready the gentry and heritors in every shire were to rise, betwixt sixty and sixteen; which, in showing how all ways were taken and owned for assisting the royal authority, did strike a just terror in all those who were refractory: whereas now the numbers and humorousness of those who are gone up, has done all they could to shake loose all the foundations of authority here, to such a height as will soon grow above correction, if it be not speedily, vigorously, and openly adverted to by his majesty. As to the present condition of his majesty's forces in the west, we had resolved to have speedily ended that progress, if the letters sent us, had not assured us, that the shire of Lanark was not disarmed upon oath, as the council and their committee commanded, and as the other shires had been: whereupon we were forced to order a new disarming thereof, whereof we expect an account very shortly. The shire of Nithsdale were at first very ready to have com-

1678. plied; but of late it seems they are influenced by strong and false alarms from London, so far as they offered a petition, desiring to be excused from bringing out their militia: but we seeing that this tended to ruin the whole frame of the militia, commanded them to march to Lanark, to relieve the Mid-Lothian regiment, who have, as the other forces, till now stayed very cheerfully. And thus there is only one regiment to continue in arms, with his majesty's guards and troop, till that shire be fully disarmed, and no longer, unless some new emergent occur; of which these complaining lords can make juster prognostics than we. We never raised nor resolved to raise any summons against such as contemned his majesty's proclamation, having, according to our duty, remitted that whole affair to his majesty's royal determination, and which we expect may settle his authority, and discourage others from the like attempts to be made, whenever any discontented persons see that his majesty is like to prevail in securing the peace here, and is engaged in a foreign war abroad. We are very well satisfied with the diligence, faithfulness, and prudence which you have shown on all occasions, in managing our common concerns; and in which we expect you will continue your kindness to us. We have sent his majesty's advocate to attend his majesty, and join with you, and give his majesty satisfaction in any thing that may occur. This we desire you may represent to his majesty, whose royal pleasure in this affair, and what we formerly represented, wherein his authority is so much concerned, is expected, and shall be cheerfully obeyed by your affectionate friends," &c.

"Edinburgh, April 19th, 1678."

Upon the 22d, Sir John Cunningham went up to London; and Sir George Lockhart, as we heard, was gone up; and these two had not refused the bond, yet they were clear to give it as their mind, that the imposing of it and the lawborrows was contrary to law; and the sentiments of such eminent lawyers could not but have weight at London. According to these orders, I find by other accounts of this time, that the regiment of Blue-coats, and the Nithsdale regiment, which was come the length of Lanark, were disbanded. My lord Halton came west to the committee at Glasgow, and gave the lords the first account of this sudden turn, assuring them of the king's favour, and his owning their proceedings. He acquainted them that the king's affairs in England, where the militia made a mighty noise, made a present disbanding of them necessary, and it convenient to discharge the pressing of the bond. However, this effectually stopt the disarming of Lanarkshire any further, and few or none appeared before the sheriff-depute, with others appointed, either to depone or to deliver their arms. And in a day or two, as we have heard, the committee was called in to Edinburgh.

Little more offers but what passed at London, till the convention sat down. Upon the 10th of May, the garrison left at Ayr, to gratify the clergy of that shire, is recalled by the council. Upon the 14th, the king's letter comes to the council, appointing them to raise some new forces, and ordering them to give their sentiments of the numbers necessary. That same day, they, in their return to the king, take notice of the growth of conventicles, and that the raising of new forces appears to them the best way to suppress them, and propose two troops of horse, at a hundred men each, to be levied; and the support of these necessarily called for money, and a convention of estates behoved to be called for that end, as we shall hear.

I cannot give a full and distinct account how matters passed in England. The struggle betwixt the two parties was not small, and the advocate, when he got up, by the turns he gave to matters, softened the duke of Monmouth and some other English people. Various were the reports here as to what passed at London, which I stay not upon. At length, after long attendance, and the most part of the gentlemen were come off without getting access to the king, upon the 25th of May, duke Hamilton and some others were admitted to a hearing before the king, an account of which I shall give from a

letter in mine eye, writ at this time by one present, as the best view I can afford of this matter to the reader. "Upon the 24th of May, the king commanded the duke of Hamilton, lord Cochran, Sir John Cochran, and lieutenant-general Drummond, to attend upon him at four of the clock, when they appeared. The king, being accompanied with the duke of York, duke of Monmouth, and the treasurer, desired to know what they had to say, why they had come to him contrary to his proclamation. The duke of Hamilton spoke first, and said, he humbly begged to know the reason why he had got some marks of his majesty's displeasure, particularly, that he had been put off his majesty's council, and that since he came here (London), he had not the common privilege of subjects, not being admitted to kiss his majesty's hand. The king replied, he would first know what were the things they had to complain of, and he would take his own time to answer his first request. The duke said, the chief encouragement he had to come and make known his oppression, was that which the king said to him when last here, which was, that when he was any way wronged, he should come to himself and make it known; and that now he could not but come, since he and others were so much wronged. And then there was an account given of the whole affair, of the bringing down of the Highlanders, of quartering, plundering our lands, of having a bond offered which was both illegal and impracticable, of being charged with lawborrows, and being denounced thereupon, and of the proclamation forbidding us to acquaint the king with our condition. All these were particularly insisted upon at great length. To which the king returned, that these were horrid things, and desired we might set them down in paper. The treasurer said, that whatever was in these free quarterings, and in the rest, they might have been prevented by taking of the bond, which he conceived there was law for the imposing of, and might be very well kept; for there was two alternatives in the bond, to wit, either to deliver them prisoners, or to put them from their land. To which it was replied, that there was no law obliging masters to apprehend their tenants; and the farthest the act of parliament went, was, in the year 1670, to oblige masters for their families and servants. 2dly. That masters could not be obliged to turn their tenants out of their land, in regard that the punishment for going to a conventicle was statute already, to be a fine much less in proportion, than the turning them out of their possessions; besides, most part of the tenants have tacks, by which, during their time, they had good right to their possessions, and could not, by their masters, be turned out for a crime that by the law was only finable, and had no such certification, as losing their possessions. The conference having held two hours, there was a great deal said to and fro, and the king fully and freely informed. The conclusion of the debate was, The king told us he could not judge of what we had said, unless we would give it under our hands, that he might consult thereanent with his council, and know what they had to say for themselves, and could advise him to. It was answered, that we came to his majesty, to give an information of what wrongs and oppressions were done to the country, hoping his majesty would examine and redress them, but not to give in any accusation against the council, which we knew by law was very dangerous, unless his majesty would indemnify for it. Which the king refusing to do, they told they could insist no further, but leave it to him to do as he thought fit. The king offered to go out of the room, and duke Hamilton kneeling, begged the favour of his hand; but his majesty declined it, and said, he would consider upon, and give an answer to what had been said, and went away. There were many particulars spoken to, wherewith the king seemed to be moved, acknowledging that there were overdoings, and several things done upon prejudice at particular persons; but still when he came this length, the lord treasurer interrupted, and gave some other turn to matters, otherwise, it is thought, there would a more favourable answer have been given. The king signified, that he was certainly informed that there was a rebellion designed in Scotland, but he would take care that the actors in it should be losers

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1678. by it. He endeavoured also much to assure us, that albeit we had not come from Scotland, there would not have been any caption executed against us upon the lawborrows."

This is a plain, and, I believe, a very just account of what passed; and we shall hear in the next book, that afterwards the complaints tabled against the procedure in Scotland, were more regarded, when tabled in a more favourable juncture. As yet the king was under the influence of the duke of Lauderdale, and so the noblemen got no redress: but a letter was writ to the council, three days after this conference, which was the third letter of approbation they got, with some severe enough reflections upon the complaining lords and gentlemen; with which I shall end this section, and my accounts, which have now run to so great a length, of the Highland host.

"Charles R. Right trusty, &c.—We greet you well. The inclination we have to distribute justice equally to all our subjects, and the desire we have to vindicate the honour of our privy council, did prevail with us to hear what could be said against some late proceedings, in that our ancient kingdom, for repressing field conventicles, and other disorders; and now, after full information from such as were authorized by you to attend us, and hearing such as pretend they were injured, we do, as formerly, fully approve your proceedings; and the rather that, after trial taken by us, we find, that such as complained, refuse to sign any complaint against those proceedings as illegal. We have thought fit, for obviating such clamours for the future, to declare, that we are highly dissatisfied with such as have caused these clamours, and that we will, on all occasions, proceed according to our laws, against such as endeavour to lese our prerogative, oppose our laws and our privy council. We do also recommend to you to take all such legal courses as may maintain our authority, secure the peace of that our kingdom, and support the government of the church, as it is now established by law. In doing whereof, you may rest fully assured of our assistance and protection upon all occasions: and so we bid you heartily farewell. Given at our court at Whitehall, the 28th of May 1678, and of our reign the thirtieth year. By his majesty's command,

"LAUDERDALE."

SECT. V.

Of the process against, and execution of Mr. James Mitchel, January, 1678.

IN the former sections of this chapter, I have confined myself to the Highland host, and what concerned that; and now it is proper to take notice in this and the following sections, of some other matters which fell out this year: and I begin with the process against Mr. James Mitchel, which requires a section by itself, as what made a great noise, and hath been most unaccountably represented by the advocates for the severities of this reign. This subject deserves a particular notice, since it hath been miserably misrepresented of late, in a scurrilous libel published at London, and carefully handed about by the Jacobites and highfliers, with a design to bespatter the church of Scotland. The title of the pamphlet is, "Fanatical Moderation, or unparalleled Villany Displayed, in the Examples of Major Weir, and Mr. James Mitchel, London, 1710." A juncture when every body now knows the design was fast bringing to perfection for overturning the protestant succession, preventing our excellent sovereign king George his accession, and bringing us back to such times, again, and worse, if worse can be, as this history delineates. This scandalous pamphlet is stuffed with as much virulence and untruth, as any almost I have seen, no doubt with a design to expose the sufferings of presbyterians in this period, to the English nation. And when it was published a second time, with the blind of a new title-page to help off the impression, and in that new title it was said to be recommended by Dr. Hicks, the doctor, whom nobody will suspect to have been partial to presbyterians, found it needful in the public newspapers to insert an advertisement once and again, that he had never recommended that paper; and it was very proper for a person of his learning and reputation to disown such a rhapsody of spiteful and malicious

untruths. Many are the vile lies and blunders through the whole of the pamphlet. So shamelessly ignorant hath the writer been of the period he undertakes, that he blunders in an error of four years in his very title-page, and says, Mr. Mitchel was execute 1674. He talks of a rebellion at Pentland hills, 1668, and represents Sir Archibald Primrose and Sir John Nisbet as presbyterians; to say nothing of his impious flings at religion, and his making grace the artificial part of fanaticism. Agreeable to this follows his jesting at extemporary prayers, and his barefaced reflections on our excellent reformers from popery. We need not then be surprised to find him publishing arrant lies anent Mr. Alexander Henderson, abusing Mr. David Dickson, and breaking his jests upon the remonstrator presbyterians, as he calls them. He publishes groundless slanders on Mr. Mitchel, and most disingenuously conceals the vindicatory part of his speech; and to expose him the more, he couples him with major Weir, whom presbyterians, and Mr. Mitchel in particular, abominate and loathed as much as this scurrilous author. And if it were fair reasoning, as it is not, I could produce instances, and charge them upon the episcopal party, yea, some of the order of bishops, who have been found guilty of major Weir's crimes. Certainly the author has been foolish in putting Mr. Mitchel and major Weir together, lest somebody or other be tempted to draw a parallel betwixt the major and the man whose life Mr. Mitchel attempted. But I leave this author to be chastised by others, who shall think it worth their while to dip into the heap of calumny and slander he hath licked up and belched out in this pamphlet. The fair narration I shall give from original papers and the registers, will set this matter in its true light.

It is none of my work in this history, to undertake a vindication of Mr. Mitchel's attempt upon the bishop of St. Andrews, in the year 1668, for which he is now execute. I know the wrath of man never wrought the righteousness of God, and any thing that can be said in behalf of these extraordinary attacks, hath been again and again printed. Neither is it my business here to vindicate Mr. Mitchel from the vile aspersions cast upon him, without any proof, by the villanous author last named, of which, by the informations I have had, there was not the least ground but spite and malice, and from which he yet can be vindicate by persons alive. My part is to give a fair account of the base treatment he met with, and the breach of trust, yea, public faith and honour pledged to him, as another instance that our prelates and their friends stuck at nothing to avenge their quarrels. We left him in the year 1674, after which he was continued a long time in the tolbooth of Edinburgh, and sent to the Bass. I have of design left any thing about him I met with since that time to this place. February 16th, 1674, he wrote a large letter from Edinburgh tolbooth, to a friend of his, vindicating his practice, and owning the principles he went upon; which being already in print, with the speech he then designed when laying his account with death, I shall not insert them here, but go on to notice the procedure of the council and justiciary with him. By the council registers I find, "That Mr. James Mitchel having endeavoured to make his escape from Edinburgh tolbooth, the council, December 16th, 1675, appoint him to be removed to a surer room in it. And, January 6th, 1676, Mr. James Mitchel having refused to own what he confessed before the council, in presence of the justiciary, he is ordained to be put to the question and torture, anent his being in the rebellion 1666." I find no more in the council registers. In the justiciary registers, January 24th, 1676, "Sederunt, Craigie justice-clerk, Collington, Strathurd, Castlehill, Forret, and Mr. Thos. Murray of Glendoick, justiciars; assessors, Linlithgow, Wigton, Seaforth, Ross, treasurer-depute, appointed by the council, to question Mr. James Mitchel upon his being at the rebellion 1666, and to torture him upon denial. His majesty's advocate produced a confession emitted by him before, and in presence of the chancellor, register, and treasurer-depute, subscribed by him, wherein he confesses his being in the rebellion, which being read to him, he denied to 1678.

1678. be of verity: whereupon, being put to torture, he frequently and still denied the same, or that he had emitted or subscribed the same." This is all I find in the records: but I have a large account before me of what passed betwixt Mr. James Mitchel and the committee. January 18th, 22d, and 24th, 1676, which I have some reason to believe was writ by Mr. Mitchel himself, or somebody with him at the time. And that the reader may have some view of this wicked and inhuman method of expiscating matters by torture, peculiar to this time, I shall give as short an abstract of this account as I can; after I have remarked, that the thing he was tortured upon was not his designed assassination, but his alleged accession to Pentland, ten years ago, about which it was more than time that processes should have been ending, where there was no probation, and especially those by torture. The earl of Linlithgow was preses of the meeting; and about six of the clock at night, January 18th, Mr. Mitchel was brought before them. The earl told him, he was brought before them, to see if he would adhere to his former confession. Mr. Mitchel answered, "My lord, it is not unknown to your lordship and others here present, that by the council's order, I was remitted to the lords of the justiciary, before whom I received an indictment, at my lord advocate's instance, whereby I was to be forfeited of life and fortune, although I have no fortune; to which indictment I answered at three several diets: and the last diet being deserted by my lord advocate, I humbly conceive, that both by the law of the nation, and practick of the court at that time, I ought to have been set at liberty: yet notwithstanding I was, contrary to law, equity, and justice, returned to prison; and upon what account I am this night brought before your lordships I know not." The preses told him, he was not accused before them, either upon life or fortune, but called to see whether he would own his former confession. Mr. Mitchel answered, That he knew no crime he was guilty of, and therefore no such confession as was alleged. The lord treasurer-depute, upon this, said, The pannel was one of the most arrogant cheats, liars, and rogues he had known. Mr. Mitchel answered, My lord, if there were ower of those persons you have been speaking of in the nation, I would not be standing this night at the bar: but my lord advocate knoweth, that what is alleged against me is not my confession. The other said, Do you not remember, that before my lord commissioner and the council, you said so and so. Mr. Mitchel answered, My lord commissioner never inquired about any such things, but only inquired if I had been beyond seas, and with whom I conversed. The preses said, Sir, we will cause a sharper thing make you confess: the pannel answered, My lord, I hope you are Christians and no pagans. Then he was returned to the prison. Upon January 22d, he was again called before them in the laigh council house, and asked if he would acknowledge his former confession, and a paper was produced alleging to be subscribed by him. He answered, My lord, I acknowledge no such thing. The preses said, Sir, you see what is upon the table (the boots), I will see if that will make you do it. Mr. Mitchel answered, "My lord, I confess, that by torture you may cause me to blaspheme God, as Saul did compel the saints; you may compel me to speak amiss of your lordships, to call myself a thief, a murderer, a witch or warlock, and what not, and then pannel me upon it; but if you shall, my lord, put me to it, I here protest before God and your lordships, that nothing extorted from me by torture shall be made use of against me in judgment, nor have any force in law against me, or any other person whatsomever. But to be plain with you, my lords, I am so much of a Christian, that whatever your lordships shall legally prove against me, if it be a truth I shall not deny it; but on the contrary, I am so much of a man, and a Scotsman, that I never held myself obliged by the law of God, nature, or the nation, to become mine own accuser." The treasurer-depute said, He (the pannel) hath the devil's logic, and sophisticates like him. Ask him whether that be his subscription To which Mr. Mitchel replied, I acknowledge no such thing; and he was again sent

back to prison. January 24th, the justices came to the inner parliament house in their robes, and the executioner and boots were presented, and Mr. Mitchel was again interrogate as above, if he would acknowledge his former confession, before he was put to the torture. He knowing, that after the rate of the Spanish inquisition, the more he confessed, either concerning himself or others, the more severe the torture would be made, to make him confess the more, delivered himself to this purpose. "My lord, I have now been these two full years in prison, and more than one of them in bolts and fetters, which hath been more intolerable to me than many deaths, if I had been capable thereof; and it is well known, some in a shorter time have been tempted to make away themselves: but respect and obedience to the express law and command of God, hath made me to undergo all those hardships, and I hope this torture also, with patience, viz. That for the preservation of my own life and that of others, so far as lies in my power, and to keep innocent blood off your lordships' persons and families, which by shedding of mine doubtless you would bring upon yourselves and posterity, and wrath from the Lord, to the consuming thereof, till there should be no remnant nor escaping; and now again I protest, &c. as above. When you please call for the men you have appointed to their work." The executioner was called, and Mr. Mitchel was tied in a two-armed chair, and the boot brought. The executioner asked which of the legs he should take. The lords bade him take any of them. The executioner laid the left leg in the boot, which Mr. Mitchel lifted out again, and said, "Since the judges have not determined, take the best of the two, for I freely bestow it in the cause," and laid his right leg into the engine.* When he was put into the boot, the advocate asked leave to speak but a word or two, and insisted at a great length. Mr. Mitchel answered, "The advocate's word or two hath multiplied into so many, that my memory cannot serve me, in the condition in which I am (the torture being beginning) to resume them, but I shall essay to answer the scope of his discourse. Whereas he hath been speaking of the sovereignty of the magistrate, I shall go somewhat further than he hath gone, and own that the magistrate whom God hath appointed is God's depute, both the throne and the judgment is the Lord's, when he judgeth for God, and according to his law; and a part of his office is, to deliver the poor oppressed out of the hand of the oppressors, and shed no innocent blood. Jer. xxii. 3. And disobediences to this brought wrath on himself, and his princes, and the land, chap. xxxvii. And whereas the advocate hath been enlarging upon the sinfulness of lying on any account; it is answered, That not only lying is sinful, but also a pernicious speaking of the truth is a horrid sin before the Lord, when it tendeth to the shedding of innocent blood; witness the case of Doeg, Psal. lii. compared with 1 Sam. xxii. 9. But what my lord advocate hath forged against me, is false; so that I am standing upon my former ground, viz. the preservation of mine own life and the life of others, so far as in my power." Then the clerk's servant being called, interrogate him in the torture a great many questions, upwards of thirty, which were all in writ, and his answers were taken from his mouth. It is needless to set them all down, for many of them are of no import, and therefore I shall only notice a few. *Question.* Are you that Mr. James Mitchel who was excepted out of the king's grace and favour, or not? *Answer.* I never committed any crime deserving to be excluded. *Q.* Know you any more of that name? *A.* Yes, there are two in Mid Lothian. *Q.* Were you at Pentland? *A.* No. *Q.* Were you at Ayr, and joined with the rebels there? *A.* I never joined with any such. *Q.* Where were you at the time of Pentland? *A.* In Edinburgh. *Q.* When knew you of their rising in arms? *A.* When the rest of the city knew of it. *Q.* When was

1678.

* It consisted of four pieces of wood very firmly fastened together, so as to form a kind of box capable of admitting the leg. Into this were inserted moveable staves, between which and the box a wedge was driven, so as to squeeze or compress the leg to almost any degree according to the number of strokes given to it.—*Ed.*

1678. that? *A.* When the messenger came from Dumfries, and Dalziel and his forces marched out at the West Port. *Q.* Where did you meet with James Wallace? *A.* I knew him not at that time. *Q.* Did you go out of town with captain Arnot? *A.* No. The rest are about his going abroad, &c. and need not be insert.* The questions being over, the executioner took down his leg from a chest whereupon it was lying all this time in the boot, and set both on the ground, and thrusting in the shelves to drive the wedge, began his strokes; at every one of them inquired, if he had no more to say, or would say more? Mr. Mitchel answered, No more, my lords. And thus he continued till he gave nine strokes upon the head of the wedge: at the ninth Mr. Mitchel fainted through the extremity of pain; upon which the executioner cried, Alas! my lord, he is gone. Then they stopped the torture, and went off. And in a little, when recovered, he was carried in the same chair to the tolbooth.† At the beginning of the torture, when the wedge began to pinch the boot, and pain him most sensibly, he said, "My lords, not knowing but this torture may end my life, I beseech you to remember, that he who showeth no mercy, shall have judgment without mercy. And if any of you, as I hope there is few present, be thirsting after my innocent blood, mind what is spoken Revel. xvi. 5, 6. And now, my lords, I do freely and from my heart forgive you who are judges, and the men who are appointed to go about this horrid work, and those who are satiating their eyes in beholding. I do entreat that God may never lay it to the charge of any of you, as I beg that God for his Son Christ's sake, may be pleased to blot out my sin and mine iniquity." Upon this the treasurer-depute asserted, that the paper containing his confession about Pentland, produced as signed by the pannel, was signed at the council table, and the lord chancellor was a witness thereunto. The advocate asserted, that it was signed at the council table, but the lord register and himself were witnesses. Hugh Stevenson asserted, that it was signed in the laigh council house, and not at the council table, and that the register and advocate were witnesses. Mr. Mitchel was just going to say, They were false witnesses, seeing their declarations did not agree one with another; but his leg being in the torture, and fearing to irritate them, he forbore.

The writer of this account I have abridged, remarks, that such a practice as this with Mr. Mitchel, is unprecedented, by torture to oblige a person, contrary to nature, and the divine law, to be his own accuser. The two cases wherein it only has been used these many years in Scotland, come not at all up to the case before us. Peter Roy the Highland thief and robber, after he had been legally convicted of theft and murder, was put to the torture, to oblige him to declare his associates and accomplices. And as to the other instance of the laird of Auchindrane, he observes, that he was accused of an horrid and private murder, where there were no witnesses; and which the Lord had witnessed from heaven, singularly, by his own hand, and proved the deed against him. The corpse of the man being buried in Gir-

* It is mortifying to find such a man as Sir George Mackenzie *defending* the use of torture in cases of evidence. "As to torture," says he, "it is allowed not only by the law of our nation, but of all nations except England, and founded on the forementioned maxims, *salus populi*, &c. *Pereatunus, potius quam unitas.*" Vindicat. p. 11. His next sentence contains a manifest falsehood.—"Nor was it ever inflicted, but where the person tortured was evidently proved to be guilty of *accession to the crime*, and that he knew the accomplices." Had he said "*supposed*" to be guilty, he would have been nearer the truth. In the case of Mitchel, there was absolutely no proof whatever, except that founded on his supposed confessions, and the leading men of the nation must perjure themselves in order to bring in the poor man guilty.—With Mitchel's private character we have nothing whatever to do; and it only proves in the Editor of Kirkton, malice against the Scottish presbyterians, that he aims a blow at them through the sides of Mitchel. His favourite authority, *Captain Creichton*, will not be held by impartial men as a fair and impartial witness; neither will his illustrious prototype, *Dean Swift*, be considered as "free of partial counsel."—*Ed.*

† "When it was reported that he was to be tortured in the other leg, some, it seems, of his friends drop in a letter to archbishop Sharp of St. Andrews, assuring him that if he persisted in the torturing of him, he should have a shott from a steadier hand; whereupon he was lett alone, but was still kept in prison."—Law's Memorials, p. 85.—*Ed.*

van church-yard, as a man cast away at sea, and cast out there, the laird of Colzean, whose servant he had been, dreaming of him in his sleep, and that he had a particular mark upon his body, came and took up the body, and found it to be the same person, and caused all that lived near by, come and touch the corpse, as is usual in such cases: all round the place came, but Auchindrane and his son, whom no body suspected, till a young child of his, Mary Muir, seeing the people gathered, came in among them, and when she came near the dead body, it sprang out in bleeding; upon which they were apprehended, and put to the torture. In the same narration from which I take this account, there follows several remarks for vindicating Mr. Mitchel, as to his refusal to own judicially what upon a promise he had formerly owned. The writer urges, that when a confession or promise, is made upon a condition, and that condition is judicially rescinded, made null and void, the obligation of the promise and confession is taken away, and both parties are put in *statu quo*. Josh. ii. 14, 17. That in many cases it is lawful to conceal and obscure a necessary duty, and divert enemies from a pursuit upon it for a time. 1 Sam. xvi. 1, 2. 1 Sam. xx. 5, 6. Jer. xxxviii. 24, 26. That when an open enemy perverts and overturns the very nature and matter of a discourse or confession, by leaving out the most material truths, and putting in untruths, and circumstances in their room, it is no longer the former discourse and confession: that when a person is brought before a limited judicatory, having power to judge and determine of what is before them, and yet so limited, as they cannot fully satisfy the malice and envy of some, and they wrest, malign, add, and diminish from what hath been said before them, in order to make up matter of sentence before another judicatory of greater power, before whom nothing was ever confessed or proven, the person may justly stand to his defence, and put his enemies to bring proof against him. I do not enter at all upon the force of these defences here, nor others advanced in this paper, but only set them down as what were advanced, in favour of Mr. Mitchel; which is my province in this history. 1678.

Mr. Mitchel continued in Edinburgh tolbooth, till January 1677, when, we heard before, he was sent to the Bass, where he continued till towards the end of the year. In the end of October, I find the advocate is ordered by the council, to insist criminally against Mr. James Mitchel, for his designed assassination of the bishops of St. Andrews and Orkney. And, December 6th, he is brought from the Bass to Edinburgh prison, to receive his indictment. And January 3d, 1678, Sir George Lockhart, and Mr. John Ellies, are allowed and commanded to plead for Mr. James Mitchel before the justiciary. This is all about him in the council-books; and it would seem his process and execution, was timed, of design, just before the Highland invasion, to season people's minds, and fill them with just apprehensions of the justice of this time, and fright them into a silent submission to all the arbitrary methods now on foot.

After the people who had been concerned in the promise of his life, were prepared to elide that defence, at the primate's instigation, he gets an indictment given him, before the justice court, where Sir Archibald Primrose, lately turned out of the register's place to make way for a friend of Lauderdale's, sat as justice-general. His indictment is now restricted to the attempt upon the bishops, and his alleged accession to Pentland is left out, which was in his former indictment, 1574. In all other points the dittay now given agrees with that above,* and so needs not to be repeated. Upon the 7th of January, his trial began. The justice-general being cited as a witness, was passed from. Many and long were the reasonings upon the points libelled, and Sir George Lockhart said very much in the pannel's defence. The defences, replies, and duplies, are inserted in a note.† The

* See Note, p. 249.

† *Defences, replies, and duplies in Mr. James Mitchel's process*, 1678.

Curia justitiaria S. D. N. Regis tenta in Prætorio burgi de Edinburgh septimo die mensis Januarii, 1678, per honorabiles viros, Dominos

1679. great proof adduced against him, was his confession, February 10th, 1674, a copy of which follows.* The debates were so long, that the court adjourned till January 9th, when they come to their interlocutor. "They find the article of the dittay, founded upon 4th act, 16th parl. James VI. bearing the pannel's invading, by shoot-

Justitiarium generalem Collington, Strathurd, Castlehill, Forret and Glendoick

Curia legittime affirmata.

INTRAT

Mr. James Mitchel, prisoner, indicted and accused for the crimes of assassination, and invading of privy counsellors, and wounding of ministers mentioned in the dittay. His majesty's advocate declares he passes from my lord justice-general, as witness in this cause. Mr. John Ellis advocate, as procurator for the pannel, declares, they sustain my lord justice-general to be judge, notwithstanding of his being cited as a witness both by pursuer and defender. His majesty's advocate produced a warrant from his majesty's privy council for pursuing Mr. James Mitchel, whereof the tenor follows. Mr. John Ellis produced an act of his majesty's privy council, empowering Sir George Lockhart and him, to appear for the pannel's defence, whereof the tenor follows. Mr. James Mitchel pannel, denies the dittay and any pretended confession, alleged emitted by him. Mr. John Ellis for the pannel, alleges that he cannot pass to the knowledge of an assize; and the conclusion, that the pannel has committed murder, cannot be inferred from the subsumption of the libel, because by the laws of this kingdom, the civil laws, and the common opinion of doctors, and law, and general custom of all nations, "nudus conatus et affectus sine effectu," even in the most atrocious crimes, except treason, parricide, and other atrocious crimes excepted, is not punishable by death. And it were against all reason, seeing punishments ought to be proportional to the crimes, that a naked and simple design of murder should be punished as murder that had taken effect: "et in criminibus gravioribus," viz. "adulterium, furtum, sodomia," the naked design is not punished "poena ordinaria," even by the civil law; and though Lex Cornelia, by an extraordinary search, does declare, "si quis cum telo ambulaverit," yet it is but a statutory law, and derogate to by the law of nations, and the special law of our nation, in so far as murder in our law, being defined to be, and has only place in "interfectis per feloniam," and those who were killed upon forethought felony. 2do, In so far as the libel concludes him guilty of assassination, the same is no ways relevant, it being both a term and a crime unknown in our law; and by the laws and acts of parliament of this nation, the subjects of Scotland are to be governed by the laws of Scotland, and though the crime of assassination were a point of dittay by our law, as it is not, yet it is not, nor cannot be pretended that he was hired for that effect, neither is it libelled. 3tio, In so far as the libel includes the pain of death, for the mutilation of the bishop of Orkney. 1st, It is answered, that the same is no ways relevant, and the said conclusion can no ways be inferred from the subsumption, because the act of parliament does only declare dismembration to be punished as slaughter. 2dly, The said act declares dismembration only to be punished as slaughter, when it proceeds from forethought felony. 3dly, The said act requires another qualification, viz. that it be pursued by the party, none of which can be subsumed upon in this case, because it is not libelled, that the bishop was dismembered, or had his hand cut off, but only had a wound in the hand; and the libel does expressly bear, that the bishop of Orkney got the shot in the hand accidentally, when the discharge was against the bishop of St. Andrews, and so was not upon forethought felony, as to him. And, lastly, the bishop's nearest of kin do not concur, nor are pursuers, which is a special requisition by the act of parliament: likeas the said act is absolute, and in no register can it be made appear, that any person was capitally punished for dismembration, but, upon the contrary, many accused and condemned by arbitrary punishments, so that the libel is no ways relevant, as to that article, for the reasons foresaid, especially seeing dismembration is not here so much as libelled or pretended. And whereas it is insinuate, that the bishop did languish and die of the said wound; it is answered, that the libel is no ways relevantly conceived, because it is not libelled, that the wound was, "ex sua natura," lethal or mortal; and it is offered to be proven, that the bishop lived several years thereafter, did go about his ordinary function, as a bishop, by preaching, which is a sufficient ground of exculpation and defence. 4to, In so far as the libel is founded upon the act of parliament anent the invading of counsellors; it is answered, that this present case does not fall under the capacity of the act of parliament, because it is not libelled, that the cause of the said pretended invasion of the bishop, was upon the account he was in the prosecution of his majesty's service, but, upon the contrary, it may appear strange to any rational man, ("quorsum et quo bono" he could have done it. 5to, As to the acts anent invading of ministers, they import no capital punishment, but only confiscation of moveables, and as to which the said acts are opponed; and as to the act 1670, it is posterior to the fact libelled.

In so far as the libel seems to be founded on a confession, in so far as the said confession may be made use of, as a sole or conjunct probation; the pannel does object against the same upon the grounds and reasons following. 1st, If any such confession was emitted by the pannel, which he has absolutely denied in the lords'

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* *Mr. James Mitchel's confession, February* 10, 1674.

In presence of the lord chancellor, lord register, lord advocate, and treasurer-depute, Mr. James Mitchel prisoner, being called, did freely confess he was the person who shot the pistol at the bishop of St. Andrews, when the bishop of Orkney was hurt thereby, in the year 1668: and deponed upon oath, that no living creature did persuade him to it, or was upon the knowledge of it.

JAMES MITCHEL.

ROTHES. JO. NISBET.
AR. PRIMROSE. CH. MAITLAND.

ing, and firing a pistol at his grace the archbishop of St. Andrews, and privy counsellor, for doing his majesty's service, relevantly libelled, his majesty's advocate proving the presumption in his reply, that the pannel said, he did make the said invasion, because of the archbishop his persecuting those that were in the 1678.

own presence, no ways acknowledging the same, no respect can be had thereto, and it is not probatory, because the same is extrajudicial, in regard it is not made in presence of the assize, who are judges in the probation, which is expressly contrary to the act, 11th parl. king James VI. which requires the haill probation to be laid in presence of the assize and party; which act of parliament was not only made for security of pannels, as to a just and legal procedure against them, but also as to assizers, to whom the trust of the life of the subjects of this kingdom is committed, and who as to the point of probation, might not proceed upon fame and report, but upon a clear probation before them; for if that were not, the assize would be altogether deprived to know how the confession was emitted, if spontaneously, or "ex constantia, vel trepidatione," or "spe veniæ:" and the most that ever was sustained in this court was, that the assize did find a party guilty upon a confession emitted before a quorum of the justices in a fenced court. Although the said pretended confession should be sustained probative, as for the reasons above exprest, the pannel, with all submission to your lordships' justice, humbly conceives, it cannot; yet if any such confession was, it is null, because it was elicite "spe veniæ et immunitatis," and, for proving thereof, the pannel does repeat his exculpation, which he conceives, is relevant in law, and craves the witnesses therein to be examined upon the contents therein. 2dly, The said confession, being emitted "extra judicium et spe veniæ," as said is, "est in se nulla," and cannot be confirmed nor validate by the testimony of any witness whatsomever. And to evidence that the pannel's life was never intended to be taken upon the said pretended confession, the same, if any was, is opponed, by which it evidently appears that he was examined upon oath, as to the most material part of the crime, viz. his complices, which makes it more than evident, that it, being "in materia criminali et capitali," in which oaths cannot be taken by law, renders the confession null and invalid, at least makes it evident, that the libel has been restricted "ad civiles effectus."

My lord advocate insists, in the first place, upon the act 16th parl. James VI. by which, "nudus conatus," attempting and invading, though nothing followed, is found relevant to infer the pain of death; but so it is, that the said Mr. James Mitchel did attempt the killing of the bishop of St. Andrews a privy counsellor, which attempt "devenit ad actum proximum," the said Mr. James having done all that was in his power; and as to the quality adjected in the act insinuating the defence, that it must be proven that it was for doing of his majesty's service, it is replied, that this quality is inferred, and can, nor requires to be no otherwise proven than by a presumed inference; for the design of the attempter being an act of the mind and secret of the heart, it cannot be otherwise proven, but simply by the attempting a secret counsellor, or any of his majesty's officers, against whom the pannel could have no quarrel, but for doing of his duty, and therefore the law still concludes the same, except the pannel will offer to condescend upon another relevant reason, viz. any private feud; for if it were otherwise, the act would be absolutely useless, since any person might attempt or kill a privy counsellor, it being impossible to prove what was the design, and this act was designed merely to make all attempts against privy counsellors punishable by death, for otherwise it would be no fence nor protection to privy counsellors, if it were only granted to them under a quality, which were impossible to be proven; nor can this seem hard, since the subjects have only themselves to blame, who attempt against the lives of privy counsellors; and it were very ridiculous to think, that if the brother of a pannel should attempt to kill the judge or king's advocate, immediately after a process, that it were necessary to prove the design, otherwise than by that natural contingency, which obviously arises from the qualities and circumstances of the perpetration; but in this case, as Mr. Mitchel is a person who can condescend upon no private offence betwixt the said archbishop and him, they being absolute strangers to one another, so beside the presumption of the law above specified, it is offered in fortification of the act, that the said Mr. James owns himself to be of a profession who hates and execrates that hierarchy, and of which sect the unhallowed penman of a pamphlet, declares it lawful to kill those of that character. 2dly, It is notour and offered to be proven, that Mr. James himself defended, that it was lawful to kill such, and endeavoured by wrested places of scripture, to defend himself, and gain proselytes thereby, and if need be (as there is none) it is specifically and distinctly offered to be proven, that he acknowledged, that the reason why he shot at the archbishop was, because he thought him a persecutor of the nefarious and execrable rebels who appeared on Pentland-hills; nor can designs and acts of the mind be otherwise proven than by such emitted declarations, arguings and acknowledgments: likeas in the whole course of our law, the invading or attempting of any of the sacred function, is still declared equivalent to killing; and though the last act be posterior, yet it is sufficient to demonstrate and clear.

2do, By the common law, "conatus" and endeavour is, "in criminibus atrocissimis," punishable by death, "ubi reus devenit ad actum proximum," and "omne quod in se erat fecit," which is in itself most reasonable, since the atrocity of the crime should put the same even beyond an attempt, and there can be nothing more just, than that the extraordinariness of a crime should have an extraordinary allowance, and guilt attempted in atrocious crimes, such as sacrilegious assassinations, is, in the eye of the law, as great and greater than the stealth of an horse or cow, especially where security from the effect proceeded from no innocency in the committer, who did all he could, but from the special providence of God disappointing the effect of a cause he so much hated: and Carpsovius requires only three qualifications to make endeavour punishable by death. 1mo, "Quod deventum erit ad actum

1678. rebellion at Pentland, or words to that purpose, relevant to infer the pain contained in the foresaid act of parliament; and remit the same to the knowledge of an assize. Likewise they find that part of the dittay, anent the invading of bishops or ministers, relevant to infer an arbitrary punishment, and remit it to

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morti proximum." 2do, "Quod non steterit per assassinationem, quin consummaretur delictum." 3tio, "Quod occidendus fortuito casu tantum evaserit;" all which concur but too well here: and that "in omnibus criminibus atrocissimis conatus" is punishable, is clear from Gothofrede, Tit. de conatu, from Covaruvius in Clementina Si furiosus, Num. 6. and particularly in the crime of assassination, "totidem verbis," by Matthæus de sicariis, Num. 3. "assassinus tamen nihil prodesse debet, solusque conatus capite puniendus:" a great instance whereof is given in a decision by Gothofrede in the synod of Savoy, where death was inflicted upon a person who but struck with a baton. And whereas it is pretended, that assassination is no crime in our law, and that it is only inferred where the design of the murdering proceeds from the committer's taking money: it is answered, that this part of the defence is most groundless, and our nation would be more barbarous than those of Lapland, or the Tartars, if the lying in wait with a constant design to kill clandestinely, and "per insidias," any person who had never offended us, should not be raised to a higher degree of detestation than ordinary murder; for the law does not always punish a mere endeavour, when designed against such as have offended us, when nature pleads some excuse from the greatness of the passion and resentment, or where the party killed gave some occasion by doing the wrong, or when the suddenness of the design allowed no time to consider or repent; yet when a person after mature deliberation ripens his own villany, and resists the motion of reason and inspirations of God Almighty, by lying in wait to kill a person who never offended, the law thinks the commonwealth cannot be secured as long as such a viper is alive, who wants nothing but opportunity to kill mankind one by one; and the speciality of taking money is only demonstrative, not restrictive, since the guilt is (in these and such like cases) greater and more dangerous than that of taking money, for he who taketh money will not kill but in darkness, and where he may escape; but the sun, and the cross, and the confluence of all the world cannot secure against murderers, where the party imagines that the crime deserves heaven, or at least where he thinks that those of his persuasion will rise in a tumult upon the streets for his defence; likeas, since the law has inferred death "ob conatum," in crimes of "raptus," robbery, &c. much more should it infer death in this unparalleled and execrable crime.

As to what is alleged against the acts of invading ministers, it is answered, that the first act appoints that it shall be punished with all rigour, and the seventh act Charles I. and the last act is sufficient, though posterior to the crime, to declare what was the meaning of that general of "punished with all rigour;" and since our law makes the attempting of such as are doing his majesty's service, capital, that general ought to be extended to death, since lesser crimes and other crimes are for the same reasons, which are applicable to this, punishable by death, nor can there be any hazard in this, since there is a law for the future, and no man shall ever die for so great a crime in our nation.

Whereas it is alleged, that the pannel did only confess upon hopes of life. It is replied, that, 1mo; The promise of life from a judge, who could not grant the same, cannot defend, especially where no threatening preceded, and where it is clear, that what was confessed was founded upon other presumptions "et indicia." Nor is this relevant, except the pannel could offer to prove, 1st, Threatening, to the fear whereof he yielded. 2dly, That he expressly pactioned that his confession should not operate against him, which is very clear from Bossius, Tit. de confessis per torturum, Num. 12. where he states the case, and concludes that a spontaneous confession, though life were promised, does not defend, and is the guilt less, or the truth less, that a judge promise? And if this were sufficient for every judge to make himself king, and grant remissions at his pleasure, and though this may weigh with the judge who promised, yet the law considers the party confessing still guilty, and so does never secure him; "et quod potest condemnare tenent, Cimus Cod. de iis qui ad ecclesiam effugiunt. Alciad. lege de verborum significatione;" and Clarus himself says, "ego suspicor opinionem Ceni esse magis communem;" but giving his own opinion rather as a private man than a lawyer, he says, "ego tamen non condemnarem ad mortem nisi aliis indiciis fuerit gravatus, ergo reus indiciis gravatus et morte plectendus," which is most just and reasonable, for though the law be jealous, where a mere silly innocent confesseth to a judge who may terrify him, or having interest in causing him confess, and lay the blame off his friends; yet where the pannel's own confession proceeded from a person suspected by all the world, by a person who publicly in all places since has owned the deed, who fled upon that account, who was taken with unlawful weapons, unfit for his profession, and the specific weapons which committed the attempt, who condescended upon all the circumstances, and declared that he gloried in being a martyr upon that account, in being seen running away immediately upon doing the deed, with a pistol in his hand, in being found out in a thousand lies and prevarications when he was examined, in having renewed his confession publicly, it were but to scorn the law, and massacre mankind, to think that a confession so adminiculate, should not bind the confessor, who can allege nothing of any threatening used against him by the judge to whom he confessed, and lawyers do in that case consider the quality of the judge, as severe, unjust, or partial; but the confession is alleged to be made here upon promise given by my lord chancellor, whose benign gentle temper frees him from all suspicion: and as the proponing of this exculpation acknowledges the deed to be committed by Mr. James Mitchel, against which the protestation denying the libel cannot be sustained, being "contraria facto," as is evident to any rational man; and the pannel cannot either

the knowledge of an assize. And siklike, that article anent the wounding and mutilating the bishop of Orkney, and remit it to an assize. And also having considered that part of the debate, anent the pannel's confession, made and emitted before a committee appointed by authority of the council to receive it, and thereafter adhered to, 1678.

pretend *alibi*, nor any other pretence of error for excusing his retraction, so his majesty's advocate oppones his confession, bearing no qualification: and though he is very secure, that the exculpation cannot be proven, yet since it is notourly known, that he is the committer, and that this may be a preparative to other pannels, against whom no probation ordinarily is had, but confessions evicted by judges with fair and gentle promises, he "mordicus" adheres to the relevancy; for as Bossius says, "etsi judex dixerit, nihil mali eveniet tibi, vel etiam promittat ut liberabitur, magis tamen communis est opinio confessionem valere, quia judex etiam ita poterat fingere ad veritatem eruendam:" and as this is most advantageous for the commonwealth and mankind, so there can be no hazard to a private pannel, since, if he can but instruct his own innocence, or the reason of his error, by alleging that he was *alibi*, or that there were severe threatenings of torture used, the same will still be allowed to qualify his confession; but the general presumption lies, that a judge will not damn his own soul, stain his function, ruin his fame, expose himself to the terrors of God Almighty, by alluring a confession from a poor innocent.

As to what was objected against the confession, as extrajudicial, and before an incompetent judge, it is replied, that confessions are of all probations the most infallible, seeing witnesses may, but it cannot be presumed a man will wrong himself, and the rise of that maxim, that extrajudicial confessions are not relevant, was only to exclude probation upon confessions emitted where there was no judge, nor no design of inquiry; but the confessor being loose and inconsiderate, and upon no guard, and under no reason of advertance, did at random owh a deed of which he was most innocent, either for ostentation, or to please the company, or in raillery; but to say that a man should not be judged by what he deliberately confesses, where he knows the design is to inquire into the crime, and that the event must be a criminal trial, is without all foundation of probability or reason, nor can judges or assizers be so much convinced by what witnesses can say, who may have malice, or be bribed, or mistaken, as what proceeds from a man's own breast deliberately, and in cold blood, which in effect is oftentimes the inspiration and influence of the Almighty God, who, to show his love to justice, and kindness to mankind, draws even from the greatest of malefactors the clearest confessions; and since men do not use to bring witness when they commit crimes, nor can the nature of the thing allow probation by writ, to cut off confession in these cases, were to make crimes for ever pass unpunished, and to make law, which is founded upon principles of reason, and the good of the commonwealth, evanish in mere terms of art, and hard words, contrary to the design of law, and the solid principles of sincere policy.

That this confession is then judicial, is clear, being taken by the authority of the privy council, the supreme judicatory of the nation, and where the design was to expiscate the truth, and the pannel knew that he was upon a trial for his life; nor can the incompetency of that judicatory be here alleged, since as the session is a judicatory merely civil, and the justice-court merely criminal, so the council is a judicatory above both, comprehending the power of both, and being so far competent in the cognition of crimes, that they take precognitions in criminal causes, they modify and qualify the sentences of the criminal court, they determine intricate cases remitted to them by the justices in point of law, and the king and the greatest part of the criminal court being there, it were absurd to think, that a confession emitted before them should not prove; and if in a precognition a party should confess, and so the trial there cease, what could be more absurd than to think that this confession should not bind? especially seeing confessions emitted before the lords of session, in cases of improbation and decreets following thereupon, are a sole, a final and plenary probation before the justice court: likeas, that principle in law, that confession ("coram judice in competente") does not hold, is where "judex" is "incompetens tam ad inquisitionem quam ad accusationem," as is "forum pœnitentiæ," as kirk-sessions, or "forum mere civile," neither of which can be said in this case, where the judge before whom the confession is emitted, is the ordinary judge of the inquisition and trial in criminal cases, "et judex non solum jurisdictionis prorogalis," but a judge who originally and generally examines all the pannels of Scotland. My lord advocate adds, that this confession was made in presence of the lords of his majesty's council and the king's commissioner, in whom all the judicatories of the kingdom eminently reside, and might have sent the pannel to the scaffold without an assize, seeing ("in confitentem nullæ sunt partes judicis.)" Whatever favour may be allowed to retraction of confessions "factas ex incontinente, ubi potest docere de errore." Yet what reason can there be where a pannel denies without proofs of his innocency; and therefore Bossius Tit. de confessione, Num. 64. concludes, "est etiam necessarium allegare errorem, cæterum si simpliciter revocaret, confessus non est audiendus," and Num. 70, he adds, "quia fateor quod quis non auditur simpliciter, dicendo post confessionem, non est verum quod confessus fui, tamen si per testes constare potest de innocentia, magis attenditur veritas quam confessio." And since minors in law are obliged "docere de errore," when they revoke, it were absurd to think that the law was so ridiculous, as that a man confessing before a grave judicatory should have liberty to retract without showing any reason of his retraction, and the guilt rather proves, "per inficiationem," and by, that impudent lie, then is lessened by the retraction. In the case likewise, where debates are concerning the validity of a confession, lawyers consider whether, what was confessed, was or can be adminiculate by other collateral probation, "argumenta et indicia," and whether the probation be "verisimilis," whereas this confession is adminiculate here by many other circumstances, such as per-

1678. and renewed in the presence of his majesty's high commissioner, and lords of privy council, convened in council, find it is judicial, and cannot be retracted. And also having considered the debate and defence against the said confession, viz. that the same was emitted upon promise, or assurance of impunity of life and limb, find

sons who saw him come away, by his owning of the principle, since by his flying, &c. so that here neither can he instruct why he retracts, and the thing confessed is adminiculate, "et circumstantiis, et indiciis."

As to the objections founded upon the act of parliament, that all probation must be in the presence of the assize: it is replied, that the whole form of that act is grossly mistaken, for the design of that act was to correct a barbarous custom whereby the pursuers were allowed to solicit, and to produce to them, sik writ and witness, as they pleased, for probation of the crime, to preclude the pannel of what he could say against the same, since false papers might be thrown in as confessions and proofs; but that cannot reach the case where a confession is produced before a pannel, and his procurators and they being to object against the same: nor can it be urged by this act, that no paper can be relevant, but what is owned by the pannel in presence of the assize; for we daily see, that letters produced under the pannel's hand, though he should deny his subscription, will be sustained, and it will be sufficient to prove by witnesses, that he did subscribe, or by comparison of letters, that he did subscribe. Likeas this act of parliament does not exclude, that confessions before the lords, in matters of falsehood and decreets following thereupon, may not be probative before the justice. Likeas, confessions taken before the justice, though no assize be present, do, without all controversy and debate, prove the crime, and yet, neither can the justices condemn without an assize: nor does that act of parliament militate more against that case, than against this. And in that case of Finlay M'Nab, a confession taken in the tolbooth, without a fenced court, and before one judge, was found sufficient to infer the pain of death, both by the council and justices. And it is admired, how it can be thought, that presumption can be sustained, as the foundation of a criminal sentence as we see daily, and that witnesses which in effect are but presumptive, and yet a man's own confession emitted seriously, and in cold blood, shall not be sufficient. And as there could be nothing more dangerous to the commonwealth, than that crimes should be thus rendered unsearchable, so what hazard can there be to the people, on the other hand, or the pannel, when they are made their own judges? And to take off all possibility of danger, it shall be allowed to them to prove error, force, innocence, or mistake; and this probation has been in all ages and nations sustained as uncontroverted, as David ordained the person who said he had killed Saul, immediately to be execute without farther inquiry, giving as the undoubted reason that he had condemned himself out of his own mouth, and which is registrate in scripture, to secure the image of God against those who would deface it, and that such confessions should be sustained in any case much more in this, when the nature of the crime is atrocious, and the manner of the discovery extraordinary difficult, and if either atrocity or difficulty prevailed with lawyers to remit somewhat of its ordinary rigour in exacting clear probation: and we see "in criminibus domesticis et exceptis," much more, when both these concur against a man's own confession to be admitted; and whereas ordinarily pannels are penitent at first when examined, the horror of their crimes softening their hearts; if their confessions should not then prove, it were impossible and fruitless to expect, that after they are imprisoned amongst a company of other malefactors, and after they have men skilled in the law to wait upon them, to teach them the art of retraction, and that their conscience grows callous and acquainted with the idea of their own crimes, what sincere confession may be then expected from them.

My lord advocate declares he does not insist against the pannel, for conversing with rebels at this time, and insists upon the shooting of a bishop and minister, before the act, anno 1670, to infer an arbitrary punishment, and insists upon mutilation as capital, upon the act of parliament anent demembration, which is, "reddere membrum inutile;" and a man is as much demembered when he has an useless hand, as if he had no hand, and insists upon the act 28. parl. 8. Jam. IV. wherein slaughter and mutilation, upon forethought felony, are equiparant, and the pannel declared to be punishable with death upon both these cases, but reserves the punishment of mutilation to be qualified by the justices according to what shall be found here proven, and to what has been the custom of the justice-court formerly, in such cases.

Sir George Lockhart duplies, as to the defence founded upon the fourth and sixteenth parliament James VI. that the libel is not relevant, not condescending upon the express qualification which the act of parliament requires, is no ways elided by the allegance contained in the reply; for, 1mo, The lords of the justiciary would be pleased to take notice, that there is no speciality in the case of this act of parliament as to privy counsellors, but that it extends to all his majesty's officers, and consequently the meanest officer being invaded in the terms, and under the qualification contained in the act of parliament, might plead the benefit thereof; and if the libel should be sustained in general terms, without the express qualification, the simple act of invasion of a lyon herald, though neither death nor wounds followed on it, would infer the pain of death; but that no such thing is the meaning, or can subsist with the act of parliament, is so clear and evident, that it were impossible for the wit of man to express the qualification to be libelled, and more positively proven in more plain and direct terms than it is set down in the said act, in so far as the act of parliament requires, by way of provision and condition, in the statutory part thereof, in thir terms, it being verified and tried, that any of the said counsellors, sessioners, and officers, were pursued or invaded for doing of his majesty's service, shall be punished to the death: and there is great reason and necessity for this qualification, because the act of parliament intending, contrary to the custom that was general in all nations, and of this kingdom, in all other

the same relevant to secure the pannel of his life and limb, reserving to the commissioners of justiciary to inflict such arbitrary punishment as they shall think fit, in case the defence shall be proven; and remit the same to the knowledge of an assize." Then the probation was led. I need not deduce it here at full length, 1678.

crimes, that "conatus et attentatus," which is only relevant in the crime of treason, should be reputed "crimen consummatum," in case of invasion of any of his majesty's officers; therefore the law requires this qualification further in matter of fact, that it should be verified, that the person invaded was doing of his majesty's service, in which case the crime had a respect, and in the construction of law, as done against his majesty's authority, which he was then executing: and here this qualification in matter of fact, that it was for doing of his majesty's service, is not so much as libelled; and in the opinion of all lawyers, as may appear by Jul. Clar. § p. assassin. Num. 2. "ubi agitur de imponenda pœna alicujus constitutionis specialis, requiritur, quod concurrent omnes qualificationes, de quibus in ipsa constitutione;" and Quest. 85. Num. 9. he says the same words, "ubi agitur de imponenda pœna alicujus constitutionis specialis, oportet quod in illo casu verificentur omnes qualitates in ipsa constitutione expressæ, alias pœna non committitur et hæc," says he, "est doctrina communiter ab omnibus recepta," and most especially when it is not an intrinsic quality and aggravation, but where it is a qualification required by law itself, as "integrans delicti," and as Gomes has it, "alterutrum pœnæ," and therefore it must be "totidem verbis" libelled, and positively proven.

And as to that pretence, that it is to be presumed and inferred from the circumstances, and the way and manner of committing the fact, and that "propositum" and design cannot be otherwise proven, "nisi per indicia et conjecturas." It is duplied, the qualification required by the act of parliament is "toto cœlo" different from the design; for if a person would invade any of his majesty's officers in doing of his majesty's service, and would pretend that he had no design to invade, certainly the pretence were absurd, and in that case the design "præsumitur ex natura attentati;" but the discharging of his majesty's service is not a design, but a matter of fact, which consisteth in an extrinsic action, and must be proven, and may and does often occur: as for instance, if a magistrate should be invaded in the actual execution of his majesty's authority, or if the invader should be so transported with rage, as, when he invades a judge, to tell him, that it was because he has unjustly decerned, these and the like cases are indeed in the terms of the act of parliament, and the simple invasion, though no wounds followed, being directly levelled against his majesty's authority, "nudus conatus et affectus delinquendi reputatur pro effectu;" and as this is clear from the express words of the act, and which being in "materia correctoria et criminali," is strictly to be interpret; so it is also unanswerably evinced from the act of parliament, king Charles I. of blessed memory, by which act it is provided, that the invasion and violence done to ministers, is punishable conform to the act of parliament 1587, to which it relates, which is confiscation of moveables, and declares that the said act is to be extended to archbishops and bishops: from which the pannel's procurators argue thus, If by the posterior act of parliament in anno 1633, the invasion and violence done to archbishops and bishops is not punishable with the pain of death, but only an arbitrary punishment; how is it possible, that the fourth act, parl. 16. James VI. should infer the pain of death upon the invasion, as it is circumstantiate and libelled? but that the archbishop was invaded, who was a privy counsellor, and with the qualification that is required by the said act of parliament, that it was for doing of his majesty's service. And as to that allegance, that the pannel cannot condescend upon any private ground of quarrel, or other reason why he did invade the archbishop: it is answered, if this allegance were sustained, it were contrary to the act of parliament libelled upon, which does not require the pannel to prove, but that it must be tried and verified that the invasion was for doing of his majesty's service, and so his majesty's advocate must prove the same by a clear and positive probation, as a point in matter of fact.

And as to that pretence, that the pannel did glory that he had committed the fact and invasion libelled, and endeavoured to justify the same, and persuade others that it was lawful: it is duplied, that as the said qualifications are altogether disowned, so they are no ways the qualification in matter of fact, required by the act of parliament, viz. that the invasion and violence was for doing of his majesty good service, which is indispensably required upon the reasons abovewritten, otherwise the act of parliament should have said no more, but that all invasion of his majesty's privy counsellors, or other officers, should be punished with pain of death; whereas the act of parliament thought it just and necessary, and fit for all men's security, that a single act of invasion of any of his majesty's officers, however it might be punished "pœna arbitraria," yet should not import or infer the pain of death.

In so far as the dittay is founded upon the common law, and it is "assassinium," in which "conatus et attentatus habetur pro crimine consummato:" it is answered, the dittay is no ways relevant, because it is not founded upon any law or act of parliament of this kingdom, and the common Roman law cannot be the foundation of criminal dittays, whereby to draw in hazard the lives of any of his majesty's subjects: likeas, there are clear, express, and positive acts of parliament to the contrary, as the 48th act, parl. 3. James I. and act 79. parl. 9. James IV. declaring that the laws of no other realm are to be regarded, especially whereupon to found criminal indictments; and albeit, by the common law, "conatus in homicidis," especially where it was "homicidium dolosum," and designed to be committed "proditorie per insidias," was punished as "crimen consummatum," yet all lawyers agree, as may appear by Jul. Clar. Quæst. 120. Farma. Quæst. 80, and by the authorities by them cited, that by general custom of all nations, "in omni genere homicidii affectus, conatus et attentatus," is not punishable "pœna ordinaria delictus," and so cannot infer a capital punishment,

1678. from the process now before me, but I shall give the most material witnesses, and what they said in hints. The stress of the matter ran upon the exculpation as to the promise, and this I shall give at full length. Mr. William Paterson advocate depones, he met a man with a pistol in his hand, coming down the Blackfriar Wynd

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or pain of death, as is concluded in his indictment.

And as to that pretence, that the crime libelled is the crime of assassination, in which "nudus conatus" is sufficient, especially "si devenerit ad actum proximum:" it is answered, 1mo, That all laws do agree in this, that "crimen assassinii" is only when the person does hire and conduce another to commit the same, "interveniente pretio," and for which Jul. Clar. 8. assassinii, where he so describes the crime, and Matthæus de criminibus does so describe the same, and does expressly assert, that unless money or reward intervene, the crime of assassination cannot be committed, where the words are, "crediderim tamen nisi merces certa et sceleri proposita, et constituta fuerit, sive in specie seu corpore, sive in pecunia numerata, non posse enim videri assassinium," and there is no other lawyer extant, that did ever otherwise describe the crime, and there is great reason why money or reward should be considered in the constitution of this, because the law did consider the crime with respect to the hazard, and the hazard lay where persons were hired and conduced by infidels, by giving of money or other reward to kill Christians: and albeit, even in the proper crime of assassination itself, in some particular nations, where the said crime was too frequent, as in Italy, "conatus" is punishable, and Jul. Clar. in the same 8. and others do maintain, that by the general custom of most nations, in the precise crime of assassination, "conatus seu attentatus" is not punishable with the pain of death; but the pannel has no reason to insist on this matter of fact libelled, being no ways the crime of assassination, but only to commit that which laws call a design, to commit murder "proditorie et per insidias," in which all agree, that, by the custom of all nations, "conatus faciendi non reputatur pro facto."

As to that point of dittay, founded upon the mutilation of the deceased bishop of Orkney, conform to the 28th act, parl. 3. Jam. IV. It is answered, that denying that the deceased bishop of Orkney was mutilate, so, albeit it could be proven, it cannot infer the pain of death. 1mo, Because it is clear by the said act of parliament, that it is not in the case of mutilation, but of demembration; and it were a strange imagination to think, that if a party were mutilate, or lost a finger, that the pain of death could be inferred; and there is a great difference betwixt mutilation and demembration, mutilation being only an inability or privation of the use, whereas demembration is the entire loss of the member; and it is a principle in law that acts of parliament, especially in "casu criminali et capitali," cannot be extended "de casu in casum, etiam ex identitate vel paritate rationis," and that "cortici verborum adhærendum est, et casus omissionis habetur pro omissa." And here there is no parity of reason, both the prejudice and deformity being far greater in the case of demembration than mutilation.

And whereas it is pretended, that though the pannel's confession had been elicite "sub spe impunitatis," that yet it is not sufficient whereupon to liberate from capital punishment, because a judge cannot remit a crime, and that Bossius and others are clear that notwithstanding of any such confession upon promise of impunity, yet a judge may, and ought to condemn "ad pœnam ordinariam delicti." It is answered, the pretence does not elide the defence, because supposing it shall be proven, that the confession was elicite "sub spe veniæ," and upon assurance of life, such a confession, so elicite, cannot be ground whereupon to violate the faith and impunity given, and far less can such a confession, though any could be proven, being retracted, be considered as a confession; and as to which law and lawyers are very clear and positive, the law is, Lex 3. Cod. de custode reorum, and lawyers, as may appear in Matthæus de criminibus, Quæst. 16. where his express words are, "Quærunt an confessio promissa, impunitate et spe veniæ elicita, sufficiat ad condemnandum?" Respond. "Non sufficere, tametsi enim in judicis potestate non sit promittere impunitatem, adeoque ex promissione non obligatur, tamen dolo extorta est, et per hanc fraudem etiam innocentes illaqueari possunt." And Bossius in that title, de confessis, after he has stated the case, resolves it thus, "Tutius tamen est, ut dicamus requirere perseverantiam, et est ex mente doctorum, et cum ratione, quia negare non potest, quin talis confessio sit obumbrata," and says, it were against humanity itself, to condemn "ad pœnam ordinariam delicti," in such a case. And Jul. Clar. cited by his majesty's advocate, "ego non condemnarem ad mortem," and which is indeed the constant and irrefragable opinion of all lawyers and practice of all criminal tribunals.

And whereas it is pretended, that Jul. Clar. subjoins these words, "nisi aliis indiciis sit gravatus," and his majesty's advocate condescends upon several presumptions. It is answered, If his majesty's advocate will lay aside the confession, and adduce such a presumptive probation, whereupon the pannel may be condemned, then he may plead the benefit of that qualification, but the presumptions condescended upon are remote conjectures, and no ways concluding, and the pannel, after the alleged committing of the fact, did return and live peaceably for several years, and denies the fact, and cannot be otherwise convicted thereof. And if any pretended confession should be made use of, either "per se," or "in modum adminiculi," it cannot be divided from the quality under which it was granted, which the pannel offers to prove, was upon express assurance.

And whereas it is pretended, that the granting of an assurance or impunity, is, upon the matter, a remission, which no inferior judge can do, but that notwithstanding he may, and ought to condemn. It is answered, *First*, It will appear by the probation of that character and quality the granter of the assurance was in. *Secondly*, Lawyers do not consider, whether a judge "potest veniam concedere," or remit a crime, but a confession being elicite "sub spe veniæ,"

in Edinburgh, immediately after the pistol was shot at the archbishop, but knows not the pannel, nor if it was he who shot it. Upon the adducing of Patrick Vanse, Sir George Lockhart alleged for the pannel, that there can be no probation upon extrajudicial confession admitted, as being contrary to the interlocutor. The lords 1678.

is not a full and absolute confession, but a qualified, and cannot be made use of, the quality not performed and made good, and it were a prejudice to public interest, and a way to preclude the ingenuity of all confession, if notwithstanding of the interposition of public faith, and the granting of assurances, and the eliciting of confessions, "sub spe veniæ," the confession might be made use of, and the quality and condition, upon which it was emitted, altogether neglected, which is downright inconsistent with the opinion of lawyers, and the practices and customs of criminal judicatories.

And as to what is alleged, That though this confession had not been emitted before the lords of justiciary, yet it was not extrajudicial or irrevocable, because it was deliberately given, and before a committee, who had authority from the lords of his majesty's privy council. It is answered, This point is of extraordinary importance and consequence, as to the lives and fortunes of his majesty's subjects, and as to the lords of justiciary and the procedure of the inquest, who are judges to the probation; and therefore it is represented in behalf of the pannel, that admitting any pretended confession should be produced, yet if it was not emitted before the lords of the justiciary, it is not a judicial but extrajudicial confession, "et fidem non facit," as to the probation of the crime: and as to which, *First*, There is an universal concord in the opinion of all lawyers, and in the practices and customs of all criminal judicatories, and as to which, the lords of the justiciary are desired to cast their eye upon all who have written upon this point, and as Clarus says, "non invenies dissentientem in mundo," and it is a strange custom all lawyers, and the custom of all nations should have hallucinate in this point, for which the pannel's procurator cites Jul. Clar. Quæst. 55. Farma. Quæst. 81. and many other lawyers are likewise clear, that confessions emitted "præ judice competente, sed non sedente in tribunali," is but an extrajudicial confession; and much more, when it is "confessio emissa coram judice incompetente;" and when the question is, Who is to be reputed "judex incompetens?" It is positively resolved, that "omnis judex" is "incompetens," who could not proceed "ad condemnationem," as to the crime as to which the confession is emitted. And certainly though any confession were produced, emitted before a committee of the lords of privy council, they have no criminal jurisdiction, so as to proceed "ad condemnandum in crimine capitali," that being by Craig, Digest. 8. that "ex eorum statutis nec periculum vitæ, hæreditatis, aut omnium fortunarum subire posse."

And whereas it is urged, that the lords of privy council have a mixed jurisdiction, and may proceed by way of procognition, "et per modum inquisitionis," and may resolve doubtful cases, and qualify sentences. It is answered, that it is not denied, but the lords of privy council, both have and do very well deserve that jurisdiction; but as to criminal jurisdiction in capital cases, it is only competent before the lords of justiciary; and precognitions, or the previous inquisitions, tend not "ad condemnationem," but only as to this, whether to stop or remit to the lords of justiciary. And nothing is considered as a judicial confession, but where there is "formalis processus," and where a party is called "coram judice competente," and he is "sub instante periculo vitæ," and knows that the infallible import of his confession, is to that very effect for his condemnation, none of which can be pretended, when the confession is emitted "coram judice incompetente ad condemnandum."

And whereas it is alleged, that a confession, in the opinion of lawyers, cannot be retracted, unless the party could "docere de errore," and purge his innocency, and did it "ex incontinente." It is answered, the allegance is groundless, for though a confession were emitted "coram judice competente in tribunali," it might be retracted "ex incontinente," if he were able "docere de errore," and there is no lawyer ever required it at other times, but when the confession is emitted "coram judice incompetente, fidem non facit quoad probationem delicti," either "ex incontinente," or "ex intervallo," and without showing of any error, or purging of innocence, such confessions in law, not amounting to any probation, no more than as lawyers argue, if the depositions of witnesses should be taken in "uno judicio," would "fidem facere," either "in causa civili, criminali, in alio judicio." And certainly there is less reason for confessions where parties disown the same, and retract them if emitted, and much more here where the pretended confession was elicite "sub spe veniæ," so far was the pannel from thinking, that emitting of his confession was in order to condemnation; especially, seeing it neither is, nor can be proven, that the said pretended confession was so much as judicially given in face of the privy council, where his grace the duke of Lauderdale, being then commissioner, was present, and the pannel's procurator will not debate the import of the same, but remit it to the confession itself, in case it be offered to be proven, that the confession was emitted judicially before the privy council.

And whereas it is alleged, that the act of parliament, act 9. parl. James VI. ordaining all probation to be led in presence of the assize, does not concern the case, and is misunderstood, seeing here the confession will be produced in presence of the assize. It is answered, The act of parliament is clear to the contrary, and can admit of no such interpretation; for albeit that the narrative of the act of parliament bear, that abuses were committed, and "ex malis moribus bonæ oriuntur leges," the narrative of the act of parliament was only "causa impulsiva," and the statutory part of the act of parliament is clear and positive, that all probation should be deduced in presence of the assize; and of all other probation there is the greatest reason that the very act of confession should be in presence of the assize, who are judges of the probation, and who are to proceed upon oath, and whose consciences are to be satisfied and instructed as to the way and

1678. ordain Patrick Vanse, keeper of the tolbooth, his deposition to be taken, reserving the pannel his objections. Accordingly he depones, That a day or two after the pannel was examined by the council, he heard him confess he had shot the pistol at the archbishop. And being inquired if he heard Mr. James Mitchel justify the deed, he remembers it not. Mr. John Vanse, son to the former, being interrogate, if the pannel had acknowledged to him the deed of shooting at the archbishop, depones, That being in conference with the pannel in prison, he inquired at him, how he or any man could be accessory to so impious an act as to kill a man in cold blood who had not wronged him. He said, it was not in cold blood, for the blood of the saints was reeking at the Cross of Edinburgh. "John bishop of Galloway depones, The first time he saw the pannel was in Sir William Sharp's outer room, where he saw a pistol taken, which was said to be from him, out of which (as he supposed) there were three balls taken, and that the pistol was like the pistol produced. Depones, That at that time the pannel did not *confess* any guilt, but seemed to be in a great consternation, and fell a trembling; and that the deponent hearing he had made a confession, went to prison to speak to him about it, who acknowledged to the deponent, that he had made a confession before the chancellor, and some others of the council, and that he had hopes of life, and desired the deponent to intercede for him. And the deponent having asked him, how he could do such a deed against an

manner, and conditions and times whereupon such confessions were elicite, all which are concealed, where there is nothing produced to them, but a confession taken without their presence, especially seeing the pannel alleges and offers to prove the several points of fact and other particulars were condescended upon and declared, none of which are mentioned in this pretended confession, all which should have been insert, and could not be divided as being in "articulo connexa."

And whereas it is pretended, that decreet pronounced before the lords of session is "probatio probata," and whereupon assizes may and ought to condemn. It is answered, the argument is in "materia disparata," and does not concern the matter of confession, and is only in a special case of falsehood, and that upon a special reason, because the investigation of falsehood depended upon a trial, and concourse of many and violent presumptions, which may require a long tract of time, and examination of parties and witnesses; it were impossible that such trials could be deduced before an inquest, these depending several years many times before the session, before they can be brought to a close, and therefore law and custom in that case has sustained a decreet of the lords of session, as a probation "in judicio criminali;" but it is absolutely denied, that it would hold in any other crime, and certainly if the crime of theft were pursued civilly before the lords of session, "ad damnum et interesse," the theft should be proven or confessed before the lords of session, it would not "fidem facere in judicio criminali," as is evident by the authority of the lawyers, who agree that "acta probatoria in uno judicio fidem non faciunt in alio," nay, which is more, "acta probatoria in uno processu fidem non faciunt in alio processu coram eodem judicio:" and as to the instance of the practick of M'Nab, the pannel oppones the same, when there were depositions of witnesses, and these many times in the journal books. The cases of confessions emitted have been obtruded, yet it cannot be instanced that ever the lords of justiciary, did by interlocutor sustain the same as probative, but on the contrary, it does appear in the case of Frazer in the year 1641, that Sir Thomas Hope, being then his majesty's advocate, declared, that a confession emitted before a sheriff-depute, who has a criminal jurisdiction in some cases in the things allowed by law, and who beyond all doubt is judge competent "per modum inquisitionis;" yet so convinces less, that that was an extrajudicial confession, that he only insisted therein "ad modum adminiculi," and joined it with the other probation mentioned in the practick, which was "per se" convincing and significant: as also, since his majesty's happy restitution, in the case of one Robertson, although the confession was emitted before one of the lords of justiciary, and his majesty's advocate for the time; yet he was so convinced of the insufficiency of the same, that after it was produced "per modum probationis," he took up the same, even in that state of the process, when the assize were sworn; and as to the instance of divinity in David's practice, it does not concern the point of law, and cannot be made appear that the party retracted his confession, and it is a practick that either "nimium" or "nihil probat." In respect whereof, &c.

The lords continue their advising of this debate till to-morrow at two o'clock in the afternoon, and ordain assizers and witnesses to attend, ilk person under the pain of an hundred merks. The said day John Graham postmaster, Patrick Graham his brother, —— Keith of Lutquhairn, Matthew Colvil writer in Edinburgh, Alexander Livingstone ensign to captain Windram, Walter Kennay merchant in Edinburgh, Thomas Hamilton master of the coffee-house, James Fletcher of New Cranston, Charles Murray merchant, John Auchmouty ensign to the Castle of Edinburgh, Robert Baird of Sauchtonhall, each of them unlawed in an hundred merks, for not compearing to pass upon Mr. James Mitchel his assize. Robert Baird and Thomas Hamilton their unlaws discharged, to be booked or extracted by deliverance upon their petitions.

innocent man; who answered, That he thought him an enemy to the godly, and that they would not be in security so long as he were alive. And the deponent having inquired at him, if he was sorry for it; he did not say he was sorry for it, but if it were to do again, he would not do it." Dr. Christopher Irwin, John Jessie, and William Borthwick, chirurgeons, depone particularly enough as to the bishop of Orkney's wound and mutilation, which need not be insert. Next, the advocate adduced his witnesses for proving Mr. Mitchel's confession, who elided the pannel's defence from the promise made to him, upon which his confession was given. And I shall give these as they stand in the registers.

"John earl of Rothes, chancellor of Scotland, being sworn and examined, the confession under Mr. James Mitchel's hand being shown to him, depones he was present, and saw Mr. James Mitchel subscribe that paper, and depones he heard him make the confession contained therein, and that he thereafter heard him ratify the same at the council bar, in the presence of the king's commissioner, and lords of privy council, sitting in council, and that his lordship has subscribed the said confession; depones, that his lordship, the advocate, and treasurer-depute, were appointed by the privy council to examine Mr. James Mitchel; and being interrogate, if, after they had removed the pannel to the council-chamber, whether or not his lordship did offer to the pannel, upon his confession, to secure his life, in these words, 'Upon his lordship's life, honour, and reputation;' depones, that he did not at all give any assurance to the pannel for his life, and that the pannel never sought any such assurance from him; and that his lordship does not remember that there was any warrant given by the council to his lordship for that effect; and if there be any expressions in any paper, which may seem to infer any thing to the contrary, his lordship conceives it hath been insert upon some mistake.

"ROTHES,
"A. PRIMROSE, I. P. D."

"Charles Maitland of Halton, lord treasurer-depute, being sworn, 1678. and the confession under Mr. James Mitchel's own hand being shown him, depones he was present when Mr. James Mitchel made that confession, and his lordship heard him first make it verbally, and then saw him subscribe it, and that his lordship subscribed it also; and that at that time there was nothing spoken of any assurance; but when the pannel was asked by some of the committee, upon what account he committed that fact, he seemed at first unwilling to answer, but thereafter said, it was because the archbishop was an enemy to the good people, or godly people in the west. Depones, that within a few days thereafter, at a meeting of the council, where the duke of Lauderdale, then his majesty's commissioner, was present, the pannel being brought to the bar, and the confession produced being shown to him, he acknowledged the same to be his hand-writ, adhered unto, and renewed the same in presence of his majesty's commissioner and council; and depones that he did not hear the pannel either seek assurance of his life, or any person offer the same to him.

"CHARLES MAITLAND.
A. PRIMROSE, I. P. D."

"John duke of Lauderdale being sworn, depones, that his grace was present, as the king's commissioner, in council, when Mr. James Mitchel was brought to the bar. Depones, his grace saw his former confession, made at the committee of the council, shown to him, and that he acknowledged it to be his confession, and that he did adhere to and renew the same, in presence of his grace and the council: his grace heard of no assurance given to him, and that his grace did not give any assurance to him, nor gave commission to any others to give him any assurance of his life, and would not do that, having no warrant from his majesty to that effect.

"LAUDERDALE.
A. PRIMROSE, I. P. D."

"James archbishop of St. Andrews being sworn, depones, that that day the pannel did fire at his grace, he had a wave of him

1678. passing from the coach, and passing the street, which had such impression upon his grace, that the first sight he saw of him after he was taken, he knew him to be the person who shot the shot. Depones, his grace saw him at the council-bar, in presence of his majesty's commissioner and council, acknowledge his confession before the committee, and heard him adhere thereunto, and renew the same, and that there was no assurance of life given him, nor any sought by him there. Depones, that his grace himself did never give any assurance to him, nor any warrant to any others to do it; only he promised at his first taking, that if he would freely confess the fault, and express his repentance for the same at that time, without any further troubling judicatories therein, his grace would use his best endeavours for favour to him, or else leave him to justice: but that he either gave him assurance, or gave warrant to any to give it, is a false and malicious calumny; and that his grace made no promise to Nichol Somerwel, other than that it were best to make a free confession.

"ST. ANDREWS.

A. PRIMROSE, I. P. D."*

After all these depositions were taken, the advocate declared he had closed probation; whereupon the pannel produced the copy of an act of council, March 12th, 1674, insert above, chap. 9. § 2. craving the register might be produced, or the clerks obliged to give extracts, which they had refused. The act is read judicially, and the pannel's advocates crave liberty to speak upon it. This the lords would not allow, but came to the following interlocutor: "The lords commissioners of the justiciary, considering that the copy of the pretended act of council produced, was never urged nor made use of, nor any diligence craved for producing the registers of council, until this afternoon that the assize was sworn, after which no diligence can be allowed and granted in this state of the process, by the law of the kingdom, and practick of this court, especially seeing it appears by the said copy, that the design was to take away any assurance the pannel could have pleaded; and that the truth of the narrative of the copy founded upon, insinuating that there was an assurance, is canvelled by the depositions of the duke of Lauderdale, then his majesty's commissioner, the lord chancellor, and other members of the committee and council." And so without admitting the production of the registers, from which I have inserted the act of council, the court ordain the assize to enclose, and to return their verdict to-morrow at two of the clock afternoon. To-morrow the verdict of the assize is returned, and is as follows. "As to the first part of the libel, founded on the 4th act 16th parl. James VI. the chancellor and whole assize find it proven with one voice, conform to the lords' interlocutor. As to the invading of bishops and ministers, and wounding the bishop of Orkney, siklike proven with one voice. As to the third, of

* These four depositions form such a mass of depravity, as is not, we believe, to be found in the history of any other European country. Four of the principal officers of state, one of them too an archbishop, looking in one another's faces, and deliberately swearing to what they all knew to be an impudent lie, for the pleasure of taking away the life of one poor individual! The record of the solemn promise still remains on the books of council, to the eternal disgrace of all concerned. It was actually examined and acknowledged by the four lords themselves, and the blame of inserting it attempted to be fastened on the clerk, and afterwards on Sir John Nisbet, who procured the evidence of nine privy counsellors, to prove the truth of the promise. See State Trials, vol. ii. p. 627. Burnet, vol. ii. p. 180. "Doubtless," says Mr. Laing, "the fanaticism of Mitchel was of the most daring and atrocious nature, but the guilt of that fanatic is lost in the complicated perfidy, cruelty, perjury and revenge, which accomplished his death." History, vol. ii. p. 80. "As soon as the court broke up," says Burnet, "the lords went up stairs, and to their shame, found the act recorded, and signed by lord Rothes, as president of the council." Hist. vol. ii. p. 180. "Sir George Lockhart and Mr. John Elies, advocates for the pannel, produced an act of secret council, bearing, that they *revoaked the assurance of life given him* because of his disengenuity. This the duke of Lauderdale stormed at, and told he came in obedience to a citation upon his majesty's letters of exculpation to depone, but not to be *staged* for *perjury*." So says lord Fountainhall in his MS. Decisions, as quoted by the Editor of Kirkton himself, p. 386. who, nevertheless, does all he can to wound the presbyterian cause through the sides of poor Mitchel.—*Ed.*

the lords' interlocutor concerning his confession, first before a committee, and thereafter before his majesty's commissioner and council, the whole assize, with one voice, finds it proven conform to the lords' interlocutor. As to the fourth and last part of the interlocutor, the whole assize with one voice finds the exculpation no ways proven. And further, concerning the exculpation, when the pannel was strongly pressing it upon my lord chancellor, the whole assize heard his confession and acknowledgment of the fact.

"Jo. HAY, Chancellor."

"After opening and reading of the which verdict, the lords commissioners of the justiciary, by the mouth of Adam Auld, dempster of the court, decerned and adjudged the said Mr. James Mitchel, to be taken to the Grassmarket of Edinburgh, upon Friday the 18th of January instant, betwixt two and four of the clock afternoon, and there to be hanged on a gibbet, till he be dead, and all his moveables, goods, and gear, to be escheat, and inbrought to his majesty's use, which was pronounced for doom."

This is a just account of Mr. Mitchel's trial from the registers: and I might add many other particulars and incidents, which I meet with in letters writ at this time; that Mr. Mitchel craved and protested, that the omission of seeking the registers in due time should not prejudge him; that Nichol Somerwel, Mr. Mitchel's brother-in-law, offered in court to depone, that the archbishop promised to him to secure his life if he would prevail with him to confess. The archbishop denied this, and called it a villanous lie. It was likewise said, that upon the 17th of January, the council resolved to call for duke Hamilton, the justice-general, the late advocate, to attest the verity of the lords' depositions in the process; that a bill was preparing to the lords of session, that Sir George Lockhart might be censured for what was to be libelled against him, as to this process. It was said, that the lord justice-general was not ill pleased, after his late loss of his place through Lauderdale's influence, at the inconsistency that appeared betwixt the depositions, and the copy of the act of council, and what he himself had been witness unto; but above all, the primate's swearing so cleverly was mightily cried out upon. But to sum up all this account, I shall give Mr. Mitchel's own narration of it, in a letter to one of his friends, that morning before he was execute, which appears to be very agreeable to the process, bating the contrariety betwixt it and the depositions. 1678.

"*Edinburgh, January* 18*th*, 1678.

"My accusation before the justices was, That I shot a pistol at the archbishop of St. Andrews, July 1668, whereby the bishop of Orkney was wounded; and that I did confess the same before the council. My defence, among many others, was, That any confession made by me, was upon oath and promise of life and safety. And indeed the oath and promise was made to me by my lord chancellor, in these words: 'Upon my great oath, honour, and reputation, if I be chancellor I shall save your life, and if ye will not confess, the council will take another way to make it out.' This I took for the boots, as afterwards I found. The justices found my confession to be a judicial one, though I refused to own it before their court, but did retract it, unless the above-mentioned promise were made good to me. The justices sustained my said defence, upon the foresaid oath and promise made to me: but when the indictment came to be proven, the said confession was witnessed by my lord chancellor, and other lords of council called to make faith; but with the same breath they denied the making, or the knowledge of the making of any such oath or promise to me. But it pleased the Lord to provide me with a copy of the act of council, which was at that time made by the same lords, and subscribed, as I believe, by my lord chancellor, wherein the same assurance is expressly granted to have been given me by warrant of the then lord commissioner, albeit, indeed in the same act it is revoked, for the reasons there given. When I produced this, the lords who witnessed against me were greatly commoved, and vehemently pressed the justices that no such act should be received in my vindica-

1678. tion, since it did so directly contradict what they had sworn. And though it was not reasonable that the oaths of any should prejudge me, contrary to truth, and process adduced by me, yet the justices were necessitate, without once hearing my advocates, to reject the foresaid act, and cut me off from so clear a probation for my defence: whereupon I was found guilty by the assize upon the foresaid confession; albeit, in all likelihood they would not have found me guilty if the act of council had been received, seeing the lords justices had found the foresaid promise, if proven, relevant to take off my confession. Upon the whole, it is most certain this judgment was carried against both right and truth. But I remit it to the Lord, who will one day clear me and all his servants."

Two days after the sentence was passed, no doubt by the primate's procurement, an order comes down from court that Mr. Mitchel's head and hand should be affixed up in some public place of the city: but because this came not till after sentence, the primate missed this piece of revenge, and it was found, that what was pronounced for doom could not be altered. Accordingly, upon the 18th of January, Mr. Mitchel was taken to the Grassmarket, and the sentence executed. In the morning he delivered some copies of what he designed to say, if permitted, at his death, to some of his friends, with which I shall end this section, since reflections upon the process or depositions are needless, the matter standing so clear and plain from original papers before the reader: and I insert this speech the rather, that the forementioned libeller publishes another paper for his speech at his death, where there is nothing at all of the true matter of fact, and his vindication is most disingenuously concealed. I suppose he had not liberty to deliver it to the people upon the scaffold, but I insert the copy of it here.

"Christian people,—It being rumoured abroad immediately after I received my sentence, that I would not have liberty to speak in this place, therefore I have not troubled myself to prepare any formal discourse, or account of the pretended crime for which I was accused and sentenced; neither did I think it very necessary, the fame of the process having gone so much abroad, what by a former indictment given me near four years ago, the diet whereof was suffered to desert, in respect the late advocate could not find a just way to reach me with the extrajudicial confession they opponed to me; all know he was zealous in it, yet my charity to him is such, that he would not suffer that unwarrantable zeal, so far to blind him, as to overstretch the laws of the land beyond their due limits, in prejudice of the life of a native subject: next, by an extreme inquiry of torture, and then by exiling me to the Bass, and after all by giving me a new indictment, at the instance of the new advocate, who before was one of mine when I received the first indictment, and to which new indictment and debate in the process I remit you; and particularly to these two defences of an extrajudicial confession, and the promise of life given to me thereupon by the chancellor, upon his own and the public faith of the kingdom, upon the verity whereof I am content to die, and ready to lay down my life, and hope your charity will be such to me a dying man, as not to mistrust me therein; especially since it is so notoriously adminiculate by an act of secret council, and yet denied upon oath by the principal officers of state, present in council at the making of the said act, and whom the act bears to have been present, the duke of Lauderdale, being then hi majesty's commissioner, likewise present, and which act of council was by the lords of justiciary most unjustly repelled. But I shall have charity for some of the said lords, who I know would have given law and justice as to my just absolution, if they had not been overpowered with plurality of votes, by those who were overawed, and dared by the lords of the secret council; but that will not absolve their consciences at the last day. As to my advocates and lawyers, I ingenuously acknowledge their care, fidelity, and zeal in my defence, and which I hope will be a standing fame to some of them for this and all future generations. This much for a short account of this affair, for which I am unjustly brought

to this place: but I acknowledge my private and particular sins have been such as have deserved a worse death to me; but I hope in the merits of Jesus Christ to be freed from the eternal punishment due to me for sin. I am confident that God doth not plead with me in this place for my private and particular sins; but I am brought here that the work of God may be made manifest, and for the trial of faith, John ix. 3. 1 Pet. i. 7. That I may be a witness for his deposed truths and interest in this land, where I am called to seal the same with my blood. And I wish heartily that this my poor life may put an end to the persecution of the true members of Christ in this place, so much actuate by those perfidious prelates; in opposition to whom, and testimony to the cause of Christ, I at this time lay down my life, and bless God that he hath thought me so much worthy as to do the same for his glory and interest. Finally, concerning a Christian duty in a singular and extraordinary case, and anent my particular judgment concerning both church and state, it is evidently declared and manifested elsewhere: so farewell all earthly enjoyments, and welcome Father, Son, and Holy Ghost, into whose hands I commit my spirit.'

'JA. MITCHELL.'

'*Edinburgh Tolbooth, January 18th*, 1678.'

SECT. VI.

Of the persecution for conventicles, and hardships particular persons underwent for their nonconformity, this year, 1678.

THE essays of some lovers of liberty, when the design of the Highland host broke out, to inform the king of the state of things, which we heard before were in part prevented by the proclamation January 3rd, together with the actual informations given, first by the earl of Cassils, and then by the duke of Hamilton and others, joined with the recalling the Highlanders, and disbanding the militia, did not a little hearten the poor dispirited presbyterians, who began to creep out of their retirements, and, in the spring and summer, conventicles became pretty frequent. I shall here cast together what offers to me of persecution upon this score, by finings, imprisonment, death, and otherwise, with some few instances of hardships put upon presbyterians for some other branches of nonconformity this year. 1678.

There were two conventicles made most noise this summer, one at Williamwood in the shire of Renfrew, and the other upon the hills of Whitekirk, over against the Bass, for which James Learmont was executed: but I shall give the persecution which fell out upon the score of conventicles, and other branches of nonconformity, in the order of time, as near as I can, from the registers and other papers.

Upon the 29th of January, 'the committee for public affairs, are ordered by the privy council, to cause transport some fanatic ministers from Edinburgh and Canongate tolbooths, to the Bass, at this juncture.' The juncture was the march of the Highland host, as we have heard. This is the first time I have met with this epithet of fanatic ministers, given to presbyterians in the registers, and it is part of the new style, brought in at this time by the advocate, and other drawers of public papers, to leave a stain upon presbyterians, who no ways deserve this invidious name. February 21st, I find a decreet, at the instance of the king's advocate, against Patrick Sheriff in Knows, and James Shiels in Bolton, for being present at house and field-conventicles, last year, at Black-castle, Lammer-muir, and other places, where Messrs John Welsh, George Johnston, —— Hamilton, and —— Hope preached, and being absent from their parish churches; personally compearing, they are found guilty and fined, Sheriff in three hundred pounds Scots, and Shiels in four hundred, and ordered to lie in prison till they pay. In council, as in too many courts, interest and friendship went a great way to bring people off. Henry Muir, commissar-clerk at Kirkcudbright, was, March 7th, libelled, for being present in September or October last, at house and field-conventicles, where Mr John Welsh, Mr Gabriel Semple, and Mr Samuel Arnot were, and of corresponding with them. The defender acknowledged he had once heard Mr Samuel

1678. Arnot, at a field-conventicle; but denied correspondence with him: in respect whereof, and the bishop of Galloway's interposition, the council appoint the defender to be dismissed without any further trouble. We shall just now hear, that James Learmont, within a few months, is put to death, for mere presence at a field-conventicle; but he wanted a bishop to intercede for him, which indeed was not now ordinary.

We heard before of the attempt made upon Carstairs and his men, October last year. Upon the 15th of March this year, I find a decreet passed, at the instance of the king's advocate, 'against Patrick Thomson in Kinloch, George Fleming in Balberty, Alexander Hamilton of Kinkell, —— Henderson his servant, Robert Hamilton brother to the laird of Preston, John Balfour of Kinloch, James Russel feuar of Kettle, James Reid, and John Reid there, John Balfour tenant to Lundy, Alexander Balfour there, John Archer in Stramiglo, John Adam bailie of Stramiglo, and some twenty more, who are libelled to have met at the house of Balfour of Kinloch, an intercommuned person, together with others, to the number of three or four score of armed men, and lay in wait to have murdered captain William Carstairs, and —— Garret his servant, when the said captain required them to deliver up to him, —— a preacher, and intercommuned person, and to have loosed twelve or fourteen shot at him, whereby the said Garret was mortally wounded, in August, September, October or November last, and died on the spot.' It was easy to libel roundly against people who were not present themselves, and who, upon absence, were to be holden as confessed: and by the best information I can have from several concurring accounts, it appears that very few of the persons here named, were present at the time libelled, or any way concerned in that attempt, particularly John Archer, and several others I could name; and we have heard before, that they had no preacher among them to deliver up, and Garret was not killed upon the spot, nor mortally wounded: but all these things, as was now customary, were thrown in to accumulate the libel, against persons they had designs upon, and knew would not be present to vindicate themselves. And so they are all, upon their absence, put to the horn, except two or three mean country people, who compeared.

In the preceding section, we heard what the committee of council did, with respect to Mr Robert Wylie governor to the lord Semple: I only add here, that being summoned, March 29th, to appear before them, and not compearing, and his pupil, Francis lord Semple a boy at the college, being disgusted at this procedure, and withdrawing himself, gets a charge of Lawborrows, the original copy whereof is just now before me. None of them regarded the summons or charge very much. And, April 16th, my lord Semple's mother, a professed papist, petitions the council, 'that whereas her son, through the neglect of those he was recommended to, or the general humour, and corruption of the place (Glasgow) where he is educate, he has frequently withdrawn himself from the public ordinances, to the great contempt and disobedience to his majesty's laws, and is seduced and poisoned with bad principles, anent his majesty's government and laws, by persons not legally authorized; their petitioner out of her loyalty and obedience to his majesty, and motherly affection to her son, being unwilling to connive with, or wink at such unworthy practices, did think it her duty, to represent so much to their lordships, and craves, that they may either recommend the care of his education to such persons as shall be answerable to their lordships, or take such course as shall secure the small fortune to him during his minority, and himself in such principles as are most suitable to his majesty's government, and may engage him in loyalty to his majesty and his successors.'* The council recommend

* The zeal of the Semple family in favour of the popish religion, was, in some instances, very marked. Crawfurd, in his History of Renfrewshire, tells us, that there was "a collegiate church at Lochwhyneoch, commonly called the college of Castle Semple (near to the house of Castle Semple), founded by John, first lord Semple, A. D. 1505," "in honour of God and the blessed virgin; and for the prosperity of king James the IV. and Margaret his queen, and for the soul of

it to the bishop of Argyle, and the lord Ross, to appoint some person of sound principles and loyalty, to be pedagogue to the petitioner's son. I know no more of the trouble this excellent youth, and afterwards great man, Mr Robert Wylie, his governor, met with, except some few weeks' imprisonment next year. They could charge him with nothing, but his dislike of the prelatical way: only, August 15th, the council write to Dundonald, 'that he cause present Mr Robert Wylie before them, upon the 11th of September, to answer for his having been pedagogue to the lord Semple without license, and order him to provide a governor to that lord, of sound principles, and well affected to the government of the church.' I know Mr Wylie was at length forced to take some other pupils, and went abroad with them, and improved himself to those great measures of all solid learning, he was so much afterwards valued for.

April 3d, Mr Patrick Anderson late minister at ——, is charged before the council, that in the years 1674, 5, 6, 7, 8, he kept conventicles in his house in Potter-Row, that he hath conversed and corresponded with Messrs Welsh, Williamson, Johnston, and other intercommuned persons. When he appeared he denied the charge, and was sent to the Bass, unless he would presently find caution, under the penalty of two thousand merks, to remove from Edinburgh, and five miles round it, and that he shall converse with no body but those of his own family. This was a very hard and iniquitous interdict.

A petition was presented to the council, April 6th, by Mr Alexander Ross, a worthy minister in the north, 'that whereas he is intrusted with the care of several orphans, whereof he is tutor and curator, and he being come to Edinburgh about their affairs, the second night after he was come to town, he was taken out of his bed by the town-major, and kept close prisoner in the tolbooth these four months, without any thing laid to his charge in particular, whereby the affairs of the minors suffer very much.' The council are so sensible of the iniquity of this procedure, that upon surety given for his living peaceably, and not keeping field-conventicles, they order him to be liberate, and appoint the magistrates of Edinburgh to take caution as above, under the penalty of two thousand merks. 1678.

In May this year, the two conventicles were which made most noise, and I come now to give some account of them, and the severities which followed. Upon the 14th of May, the council being informed of a conventicle, kept in the parish of Cathcart, in the shire of Renfrew, at the house of the Williamwood, they order the prisoners to be brought into Edinburgh. Mr John Campbell, Mr Matthew Crawford, and some others preached there; the ministers escaped, but the meeting was dispersed, and the dragoons pursued the common people, took a great number of plaids, bibles, and other things from the women whom they overtook, and upwards of sixty men prisoners; they were all of them common country people almost, and their names will just now come in: about thirty-four Glasgow people, and as many country men, were carried in prisoners to Glasgow, where they were examined by the lord Ross and others, commissionate for that end. The bond was offered to them, but very few went in to it, who were liberate. The rest, after some days' imprisonment there, were carried in to Edinburgh under a strong guard. Upon the 28th of May, I find a decreet passed in council against them. John Bowie, James, John, and Robert Maxwels, David Crosbie, William Niven in Shaws, William Urie, James Lickprevick, James Blackwood, Robert Reid, David Fergusson, William Steven, David Gray, Archibald Haddoway, Mungo Cochran, Robert Hay, and many others, being called to give their oath who preached, and whom they saw at the foresaid conventicle, and they refusing, the council banish them to his majesty's plantations in

Margaret Colvil his spouse, &c." It was richly endowed with a large revenue, for the maintenance of a prebend and three chaplains, for celebrating divine service. It is now "a place of sepulture to that noble family, where John, lord Semple, and Janet Colvil his lady, lie under a monument carrying that inscription; as also his successors lie in a vault below ground, some of them in lead in coffins." Crawfurd's Hist. p. 20, ed. 1818.

1678. the Indies. June 13th, some sixteen more who had been at that conventicle, are banished as above; and Ralph Williamson of London gives security to the council, to transport them to the Indies, and dispose of them there to the best advantage, that is, sell them at as high rates as the markets would allow, and gets a warrant to receive them when ready. And to give all that relates to this together, after they had continued prisoners till November, the ship comes down from London to receive them; and they, with several others in prison for nonconformity, are sent off. December 12th, I find, the council grant warrant to the earl of Linlithgow, to send a party to receive the following persons, prisoners in Edinburgh and the Canongate, who are to be transported to the plantations. James Maxwell indweller in Cathcart, William Niven in Eastwood, John Maxwell in Cathcart, Robert Maxwell there, William Urie there, James Lickprevick there, James Blackwood in Carmonnock, David Corsbie there, Archibald Haddoway in Glasgow, John Bowie, William Hay, Mungo Cochran, William Steven there, David Ferguson in Bridge-end, Edward Gray there, Robert Reid in Cathcart, Mr Robert Meikle chaplain to Sir James Stuart, Stephen Porteous tailor in Canongate, Patrick Somerwell, William Hackston in Edinburgh, Adam Stobie of Luscar, James Mosman of Mount, William Laing, John Cavers, Mr John Harroway, Robert Dykes, John and William Newmans, James Miller in Kirkaldy, George Alexander in Newburgh, David Barclay in Cowquhalty, Gilbert Marnock chapman, John Clark writer in Edinburgh, Thomas Mowbray in Kirkliston, Alexander Stuart, James Law, John Fairbairn there, William Angus in Abercorn, James Brown, Robert Panton in Dalmenie, Richard Clydesdale, Mr Adam Abercorn chaplain to the lady Cavers, William Turnbull brother to Bewlie, —— Cunningham cook to the earl of Strathmore, William Temple in Linton, and Mr Alexander Pedin, prisoners in Edinburgh, and James Pryde, John Anderson servant to George Wingate in Glasgow, John Cumming there, Robert Reid wright in Langside, Arthur Dougal, William Rae in Glasgow, Thomas Govan, William Govan, Alexander Anderson servants, John Graham, Alexander Buchanan, John Buchanan, Andrew Brown, Walter M'Gechan, John Urie, Daniel M'Donald, Gabriel Thomson merchant in Glasgow, David Kid, John Arnot, John Jervie in Falkirk, and John Rae; and deliver them to Edward Johnston, master of the St Michael of Scarborough, now lying at Leith. Accordingly, they were delivered to the said Johnston, for the behoof of the forenamed Williamson, who was to carry them to Virginia, where they were to continue in servitude for life, the most part of them for being present at one field conventicle. I have the account which follows, from one of themselves. Their passage betwixt Leith and Gravesend was pretty tedious, and they were five days longer before they reached that place than was concerted; and when they came, Mr Williamson was not there. Mr Johnston, who had them to aliment, would not take that charge any longer; and so, after waiting some little time for Williamson, and he not coming, he set them ashore, and left them to shift for themselves. The country were very kind to them, when they knew the cause of their sufferings; and they generally got home safe, after they had been absent from their houses about nine months. We shall meet with several of them *falling* afterwards into the hands of the persecutors.

The other conventicle over against the Bass, was likewise in the month of May. The deputy-governor of the Bass having accounts of it, came upon the meeting with about forty soldiers, and about twenty country people, whom they forced along with them. When they came near the meeting, the people resolved to sit close, and stay upon the place, and offer no violence to the soldiers, unless they disturbed them; and in that case, they resolved to defend themselves. The soldiers came up, and commanded the people to dismiss in the king's name. Some who were next to them answered, 'They honoured the king, but were resolved to hear the word of God when preached to them.' At which one of the soldiers struck at a man that was nearest him: whereupon a strong able country

man, with a staff, struck the soldier to the ground. When they were thus engaged, the men upon that side of the meeting came and compassed the soldiers, and disarmed them, and sent them off. I find from letters at this time, that none of the soldiers were killed, except one who was shot. Two of the persons at the conventicle were taken that day, and sent prisoners to Haddington, and some time afterward some more. For being at this conventicle James Learmont was executed. His trial and sentence was mightily cried out upon. Some papers before me say, he was once assoilzied by the jury, but bishop Sharp being peremptory that he must die, moved the advocate to threaten them with the utmost severity; and at length they were prevailed with to bring him in guilty. It is plain enough, that James was entirely free of killing that soldier, and the assize sustained the probation that he had no access to the soldier's death, and he was executed merely upon personal presence. But that the reader may have a full view of this matter, which made such a noise at this time, from the fountain, I shall insert as short an abstract as I can give of this trial, from the justiciary records. The justice court, consisting of lord Carrington justice-general, lords Collington, Strathurd, Castlehill,* Forret, and Newton, sat September 11th. The prisoners brought before them were James and George Learmonts, William Temple, Robert Hepburn in East Fenton, William Bryson younger in Dunbar. The libel against them by the king's advocate is read, bearing, 'that the prisoners, on the 5th day of May last, or some or other of the days of that month, with the number of a thousand or thereby, 1678. did assemble or convocate on the hills of Whitekirk, in the sight and view of the garrison of the Bass: and the governor having sent forth a party, under the command of ensign Charles Maitland, and in the king's name required them to dismiss, and promised that none of them should be made prisoners if they would dismiss; they most insolently did invade and assault the said Charles and his party, and did wound several of them with halberds and swords, and did cruelly murder and kill the deceased John Hogg, one of the party, having his majesty's livery upon his back; and had undoubtedly murdered the said Charles, and the rest of his majesty's soldiers, if they had not betaken themselves to flight. Of which crimes they and ilk one of them are art and part, and being found proven, they ought to be punished with the pains of death.' In the entry, the advocate passeth from Hepburn and Bryson, reserving to himself to pursue them for field conventicles before the council. Mr David Thoirs, advocate for the pannels, pleads, still denying the libel, that the defenders' simple presence in a crowd of a thousand persons, will not make them guilty; and offers, before the lords of justiciary, to prove that the pannels came unarmed, and that others, now declared fugitives, were seen to strike the defunct with swords and halberds, and that the defenders did retire before the engagement. The king's advocate replies, that field conventicles are rendezvouses of rebellion, and the pannels' presence there in arms is enough, which he undertakes to prove. *Sibi impu-*

* Mr Wodrow in his "additions" has inserted the following article which is introduced here as its proper place. "As to the process against James Learmond, I have certain information which may be depended upon, that my lord Castlehill, though his name be marked in the registers, when that process came before the justiciary, and he was present, yet his lordship was so dissatisfied with what he saw in design against that good man, that he left the justiciary court, and went to the country. When as hath been observed, the lords could not agree, the first diet, upon the sentence of death, which my lord Castlehill very much opposed, the matter was delayed till next day, when the weight of an act of council was to be thrown in upon them. That day my lord ordered his coach to be ready, being determined to leave the justiciary, and go to his country-house, if, after he had offered his reasons against so iniquitous a sentence, he could not prevail. Accordingly, after reasoning against it, when he found all to no purpose, and the matter resolved on, he left them and went to the country. The accounts of my lord's carriage in this affair, were immediately sent up to court, and my lord Castlehill was straight turned out of his place in the justiciary, and was not restored for three or four years, when, upon a turn in the ministry, he was taken in again. I could not but insert this here in justice to my lord's memory, and as a new evidence of the injustice of this time, in removing a judge for acting according to law and reason, when those did not agree with the measures laid down by the managers.

1678. *tent.* The lords give their interlocutor upon this part of the debate, and find, 'that presence at unlawful meetings of field conventicles with arms, at which the slaughter was committed, or giving counsel and command in words to this purpose, "Let there be no cowards here this day, Sirs, and let these who have arms go out foremost," or the like expressions, relevant, and remit the same to probation. When the probation is led, James Manderston in North Berwick depones, that he saw the pannel, James Learmont, at a field conventicle, May 5th, that he had no arms, but that he heard him say, 'Let no cowards be here to day, but let such as have arms go out to the foreside;' that he saw William Temple there with a sword. Another of the witnesses depones, he saw James Learmont ride out and view the king's party, and said, 'They were but few, let there be no cowards,' &c. Another depones, William Temple had a sword upon his arm; that when once they were engaged, the confusion was such, of a hundred to one, that no distinct account can be given. After the probation is over, the assize bring in their verdict to-morrow, as follows.*

'The fifteen sworn men, passing upon the assize of the pannels libelled, viz. James Learmont and William Temple, the said assize having read and considered the lords' interlocutor, and the deposition of witnesses; and having therein ripely advised, find William Temple guilty of being at the conventicle libelled, near the place where the man was killed, with a sword under his arm, but not drawn: as also, they find James Learmont not only guilty of presence, but of words, conform to the depositions of witnesses; and this with one unanimous voice of the assize. Signed at Edinburgh, September 12th, 1678.'

'ROBERT BULL, Chanc.'

When this is read, the advocate declares he deserts the diet against George Learmont. Several others, alleged to be concerned in this business, Sheriff, Cowan, Dawson, Brock, Miller, and Bull, being often called, and not compearing, are declared fugitives, and put to the horn. The court pronounce no sentence this day against the two pannels. It seems they wanted direction what to do in so lame a probation, and behoved to have an act of council to lead them in

* "The assize being enclosed, and Bull, a wright, was elected their chancellor, and the first verdict that they returned was that they found them guilty of being present at a field conventicle; but the advocate, the archbishop of St Andrews, and the justices being very dissatisfied with this impertinent return, they were commanded back and re-enclosed (after they had gone abroad) to amend their verdict. The second time they came out adhering to the former. They were thrust in the third time and threatened by the advocate with an assize of error if they corrected not their verdict. At last they returned by their verdict that they were both guilty."—Fountainhall's Decisions, vol. I. 18. He adds, "that the sentence was thought a terrible stretch of what was formerly esteemed law, and a great shake to the security of men's lives and fortunes, and a most arbitrary decision." Such was the purity of our criminal administration, and such the spirit of jurymen under the direction of the prelates. We find a very curious instance of the same nature in the trial of the celebrated William Penn and others before the king's bench at London in the year 1670, which we shall quote as illustrative of the debased state of public justice at this dark period of our national annals. The reader will observe that the English jury showed more principle and spirit than the Scottish; for which no one acquainted with the state of public affairs in England in 1670, and in Scotland in 1678 will find any difficulty in rendering a fair account.

William Penn was tried at the Old Bailey on the 4th and 5th of September, 1670, for the crime of preaching in one of the streets of London. The jury, greatly to their credit, returned no other verdict than this: "that the prisoner was guilty of speaking in Gracechurch street." Five several times were they sent back by the mayor and recorder, and five different times did they return the same verdict; till at last the judges after every effort to browbeat the jury were obliged to satisfy themselves with inflicting a heavy fine on Penn for contempt of court in retaining his hat on in their presence. His hat had been, as usual in such cases, taken off by the officer at the door, but the court ordered it to be put on again in order that they might have a charge against the prisoner for declining to remove it voluntarily.—The following specimen of the dialogue that passed on this celebrated occasion between the court and jury and the prisoner, affords a very melancholy illustration of the character of those unhappy times; and it may teach us a lesson of gratitude that we enjoy a purer and more benign administration.

"*Recorder.* 'The question is, are you guilty of this indictment?'

Penn. 'The question is not whether I am guilty of this indictment, but whether this indictment be legal? It is too general and imperfect an answer to say it is the common law, unless we knew both where and what it is; for where there is no law there is no transgression, and that law which is not in being, is so far

the matter, though I find nothing of it in the council-books. Next day, September 13th, I find what follows recorded in the books of justiciary. 'The lords of his majesty's privy council having called for the criminal process against James Learmont, and William Temple, pannels, they sent the earls of Murray and Linlithgow, the lords Ross and Collington, four of their number, to intimate to the lords commissioners of justiciary, that their lordships had considered the same process, interlocutor, and verdict of assize, and that they were well satisfied with the whole procedure in that affair, and recommended to the said lords, that justice should be speedily done upon the said pannels: and the said lords of the justiciary having considered the verdict of the assize, against the said James Learmont and William Temple, together with the recommendation made to them by the lords of his majesty's privy council; they, by the mouth of William Auld dempster of the said court, decerned and adjudged the said James Learmont to be taken to the Grass-market of Edinburgh, upon Friday the 27th of September, betwixt two and four in the afternoon, and there to have his head severed from his body, and his moveables, goods, and gear to be escheat, and brought in for his majesty's use;' which was pronounced for doom. 'The lords commissioners of justiciary continue pronouncing doom against William Temple, until the second Monday of November next. And, November 16th, I find William Temple appears before the justiciary, and produces a petition he had given to the privy council, with the deliverance following. Edinburgh, November 7th, the lords of his majesty's privy council having considered the within written petition, recommended to the commissioners of justiciary, to pronounce sentence of banishment upon the petitioner, unto his majesty's plantations in the Indies, he always enacting himself in the books of adjournal, that he shall never return to this kingdom, under the pain of death, which was pronounced for doom.' 1678.

from being common, that it is no law at all.'

Rec. 'You are an impertinent fellow: will you teach the court what law is? It is *lex non scripta*, that which many have studied 30 or 40 years to know; and would you have me to tell you in a moment?'

Penn. 'Certainly, if the common law be so hard to be understood, it is far from being very common; but if the lord Cook in his institutes, be of any consideration, he tells us, that common law is common right; and that common right is the great charter privilege, confirmed 9 Hen. 3, 29. 25 Edw. 1, 1. 2 Edw. 3, 8. p. 56.'

Rec. 'Sir, you are a troublesome fellow, and it is not for the honour of the court to suffer you to go on.'

Penn. 'I have asked but one question, and you have not answered me; though the rights and privileges of every Englishman be concerned in it.'

Rec. 'If I should suffer you to ask questions till to-morrow morning, you would be never the wiser.'

Penn. 'That is according as the answers are.'

Rec. 'Take him away: my lord, if you take not some course with this pestilent fellow to stop his mouth, we shall not be able to do any thing to-night.'

Mayor. 'Take him away; take him away; turn him into the bale dock.' (instantly done.)

Clerk. 'Are you agreed upon your verdict?'

Jury. 'Yes.' *Clerk.* 'Who shall speak for you?'

Jury. 'Our foreman.'

Clerk. 'What say you? Look upon the prisoner at the bar. Is he guilty of the matter whereof he stands indicted in manner and form as aforesaid, or not guilty?'

Foreman. 'William Penn is guilty of speaking in Grace church street.'

Mayor. 'To an unlawful assembly?'

Bushel. 'No, my lord, we give no other verdict than what we gave last night; we have no other verdict to give.'

Mayor. 'You are a factious fellow, I'll take a course with you.'

Blood. 'I knew Mr Bushel would not yield.'

Bushel. 'Sir Thomas, I have done according to my conscience.'

Mayor. 'That conscience of yours would cut my throat.'

Bushel. 'No, my lord, it never shall.'

Mayor. 'But I will cut yours so soon as I can.'

Rec. 'He has inspired the jury; he has the spirit of divination; methinks I feel him; I will have a positive verdict, or you shall starve for it.'

Penn. 'It is intolerable that my jury should be thus menaced.'

Rec. 'My lord, you must take a course with that same fellow.'

Mayor. 'Stop his mouth; jailor, bring fetters, and stake him to the ground.'

Penn. 'Do your pleasure, I matter not your fetters.'

Rec. 'Till now I never understood the reason of the policy and prudence of the Spaniards in suffering the Inquisition among them; and certainly it will never be well with us, till something like unto the Spanish Inquisition be in England.'"—The People's ancient and just Liberties asserted in the Trial of William Penn and William Mead, at the Old Bailey 1670; in the Phœnix, vol. i. p. 304, &c.—*Ed.*

1678. Reflections upon this process are so very obvious, that I enter not upon them. It appears to me, that William Temple, according to their own laws, is more guilty than James Learmont, being at the meeting with arms, whereas the other had none; and their laws as yet, did not make the simple presence without arms death. Further, we see that the justiciary, the supreme court in criminals, must act just as directed by the council, in every step, and receive their orders upon the matter from them: and thus as the council assumed a parliamentary power in making laws, they take to themselves a criminal power over the lives and fortunes of the subjects, and every thing valuable was subjected to them in this sad period. According to this severe sentence, this good man James Learmont was executed, as above. He was a chapman: his speech at his death, as well as a large paper he left behind him, are already printed in the last edition of Naphthali, and so I shall not swell this history with them. There is one passage I shall add, to show the iniquity of this sentence, besides what appears from the process, and it fully proves his freedom from any share in the death of the soldier who was killed. An aged and reverend minister, yet alive, assures me, that eight or nine years after this, he was called to see a dying man, who told him, a very few hours before his death, he was one who was concerned in the death of that soldier that was killed at this time, and that it had been matter of the deepest exercise to him how to carry when he heard of James Learmont's sentence, and whether it was his duty to offer himself, as having in his own defence killed the man, in order to the preservation of the life of his neighbour, who indeed was not any ways concerned in it, or present at it.

To return again to a few other particulars; towards the end of May, I find informations come in to the council of frequent house-conventicles; and in Edinburgh several persons are fined in small fines, comparatively to what had been in some of the former years.

June 20th, a petition is presented to the council by George Hume of Kimmergham, and Jean Hume lady Ayton, showing, that the council, by their sentence in March last, ordered the petitioners to be committed close prisoners in the castle of Edinburgh, conform to the act of parliament against clandestine marriages; and the said Jean to pay a thousand merks to the laird of Plainderghaist pursuer; that they have continued till now in prison, and are ready just now to pay the fine, and what shall be imposed, for pious uses within the parish. The council order them to be liberate, in regard they have paid the fine of a thousand merks, and consigned seven hundred and fifty merks for pious uses.

The council, upon August 1st, have before them James Miller in Kirkaldy, David Barclay, Robert Marnock, and seven or eight more, who are charged with having been present at field-conventicles, since the last indemnity 1674, at Pitscotty-muir, Ravensheugh, Kinkel, Kinloch, Balmerinoch, Falkland, Collessie, Kirkaldy, Pathhead of Kirkaldy, Cleish, Kinross, Kennoway, Arclary, Dalgety, Largo, Kettle, Cupar, Monzie, Kirktoun, Lathons, Kilquhonchar, West-barns, Glenval, Borrowstonness, Kirkliston, Queensferry, Dunbar, East-barns, Whitehill, Whitekirk-hill, Dundee, Sandford, Pittenweem, and other places, and there to have heard Messrs Welsh, Arnot, Semple, Williamson, Johnston, Wishart, Gillespie, Erskine, Donaldson, Rae, Hume, Weir, Wedderburn, Law, or some other outed ministers. They compeared personally, and refused to give their oath whom they saw at these conventicles, and what they knew about them. The council banish them to the plantations, and order them to lie in prison, until some opportunity to transport them offer. August 14th, Thomas Kennedie of Grange compears before the council, and confesses he was present at one conventicle last year. They fine him in eight hundred merks to be presently paid, and upon payment of it he is dismissed. Next day the council write a letter to the bailie of Maybole in the shire of Ayr, signifying, that they are informed there was a numerous conventicle, the 4th of August, in the muir of Garholm, near that place, at which there were many men in arms, who did march in formed troops and companies; and require some persons

to come in and give the council an account of what they know in that matter. I find the council do no more about it. The same day the magistrates of Ayr are ordered to seize Mr John Cunningham, chamberlain to the laird of Entrekin, for harbouring Mr John Welsh in his house. Upon September 11th, the council call before them Patrick M'Dougal of French, Thomas Hay of Park, John Blair of Dunskey, Andrew Agnew of Sheucham, and Mr James Lawrie of French, as being guilty of house and field-conventicles, and resetting of Mr John Welsh and Mr Arnot. Andrew Agnew and John Blair compeared, and denied the charge upon oath, and were assoilzied. The council supersede the extracting letters against the other three, being absent. The same day Alexander Veitch of Glen, William Veitch tenant to Glencrauston, Adam Russel late bailie of Peebles, are cited before the council, for house and field-conventicles. The first is absent, and the lords grant certification against him; the other two appear, and are assoilzied. This same day, I find a letter from the king, of the date September 4th, bearing, 'that there was an humble address made to him, that Sir Patrick Hume of Polwart, because of his present indisposition, may be removed from the tolbooth of Edinburgh to a more healthful prison; and requiring the council to send him, under a guard, to the castle of Dumbarton, with orders to the captain to keep him close prisoner.' This is appointed to be done next Monday. This gentleman had been under confinement now for some years, for his gallant appearances and freedom of speech in parliament, and his opposing the garrisons he thought illegal.

At this diet the council spend much time about conventicles, and come to this resolution, besides what they had done before. 'The lords of his majesty's privy council ordain, that when warrants shall be given hereafter for apprehending persons guilty of conventicles, resetting rebels, and such like disorders, that the major-general have warrant to give orders to search for arms and papers, and that they be seized.' This was a very great hardship to gentlemen and others, upon church-irregularities, of which the soldiers were judges, to have their papers seized, and many times when they themselves were absent. They likewise at the same time ordain, 'that in cases when persons give bond to live orderly, caution be likewise found to present the persons of the delinquents when called for, under a particular penalty.' Next day, September 12th, the council go on in their care against conventicles: 'and to prevent disorders in the shire of Fife, a squad of the guards, and twenty foot with them, are ordered to quarter at Cupar, and execute such orders as they shall receive from the council, their committee, or the major-general. And the council being informed, that divers burgesses and inhabitants of Kirkaldy have deserted the kirk, and haunted conventicles, order the magistrates of that burgh to proceed against such of the inhabitants as they think fit, according to acts of parliament, and to delate the names of the rest to the council against October next.' At that same diet, they send a letter of thanks to the magistrates of Dundee, for their discovering a conventicle, and seizing the preacher, and acquaint them that the preacher is to be brought into Edinburgh, and recommend it to them to proceed against the hearers, by fining, confining, or imprisoning, conform to the acts of parliament. By a letter to the marquis of Douglas, they acquaint him that John Haddoway his chamberlain, and James and William Clelands, sons to Thomas Cleland his garner-keeper, having been before the council, February 1677, for being at conventicles and other disorders; and some witnesses are examined, and the process delayed, and his lordship's bond taken to produce them when called; they being now to go on in that process, they desire him to exhibit them, the 27th instant, conform to his bond. In another letter to the marquis that same day, they acquaint him, 'that being informed of the vacancy of the kirk of Douglas, and that the people of that parish live disorderly, they desire he may plant that kirk with some regular orthodox minister, and take advice of his grace the archbishop of Glasgow, to whom they have recommended the planting of it, if he does it not speedily.' September 13th, James Mosman 1678.

1678. tenant to the laird of Cavers, and William Laing, and some others, are cited, for being at house and field-conventicles, where Mr Welsh, Mr Arnot, Mr Trail, Mr Blackadder, Mr Williamson, and other outed ministers preached. The said James Mosman is fined in 1000 merks, William Laing and another in 500 merks a-piece, and six or seven more in 100 merks per piece; and the council declare they shall be transported, if they pay not their fines respectively against November next to come. Mr John Harroway appears before them the same day. The council find, that though he never received lawful ordination, he hath taken upon him to preach and exercise other functions of the ministry, at Leith, Culross, Dunfermline; and hath baptized, and married several persons. He owned he had been ordained by presbyterian ministers, and that he had kept conventicles; but refusing to declare upon oath who ordained him, and who were present when he preached, the council banish him to the plantations, and order him to be kept in prison till he be transported. The same day, Robert Dick merchant and saltgrieve in Prestonpans, is cited before the council, for being present at one conventicle upon Pentland-hills. No probation was brought, and he refusing to depone thereanent, is held as confessed, and banished to the plantations. At the same diet, the council give orders to the earl of Linlithgow, to cause apprehend and bring in prisoners, the persons lately present at a field-conventicle near the town of Renfrew. October 9th, Mr James Hamilton, indulged minister at Evandale, is charged with breaking his confinement, and intruding upon the church of Blantyre, and preaching there when it was vacant: being present he is rebuked before the council, and this being the first fault, they dismiss him without further censure, and ordain him to keep the council's injunctions in time coming. At the same diet, Alexander Buchanan in Bucklyvie, and three or four others there, Andrew Buchanan in Shirgarton, and three more tenants in that place, are brought before the council, for being present at field-conventicles in Stirlingshire; and having acknowledged the same before the committee for public affairs, the council banish them to the plantations, and ordain them to be kept in prison till they be transported. November 7th, Thomas and William Govans, Alexander Anderson, Robert Ponton, James Wilson, John Jervie, James Brown, Richard Clydesdale, David Kid, John Arnot, having confessed they were present at conventicles, and refusing to depone who preached, and whom they saw present there, are all of them by the council banished to the plantations. And Mr John Govan having deponed that he was free of the conventicles libelled against him, but acknowledging he had conversed with Mr Thomas Forrester his brother-in-law, now intercommuned, the council ordain him to lie in prison till they consider his case further: and, November 11th, the council liberate him, upon his giving bond to live orderly, and not to go to conventicles.* Mr

* Mr. Wodrow, in his "Additions," has inserted the following important facts:—The case of Mr John Govan, the present worthy and useful minister of the gospel at Campsie, is inserted as it stands in the registers. In the preface to the first volume I signified my fears, that my keeping close by the expressions of the records, might in some cases be unfavourable to the sufferers, and it is so in this reverend person's case. His modesty, and mean thoughts of his own sufferings, kept him from giving me the account of them I desired from himself. I am glad I can now give a fuller narrative of them, and do him justice here, in a point wherein he is wronged in the article formerly published from the registers. Mr Govan had come from St Andrews to his brother-in-law, the reverend and learned Mr Thomas Forrester, his house in Monteith. During his stay there, a party of soldiers came on a Sabbath evening to seize Mr Forrester, and happily missed him; they forced Mr Govan and John Graham in Lodlewin to go with them to Stirling, only (as they said) to verify that they had observed their orders, promising they should have liberty to return next day: but when brought to Stirling, upon their refusing the bond of regularity, they were both clapped up in prison. There Mr Govan continued two years; after which, at the primate's instigation, as he was informed, he was brought under a guard to the Canongate tolbooth. Thence he was brought before the council, and had a libel given him for being at Conventicles in many places, in none of which he had ever been present; and therefore he had full freedom to declare negatively as to all the points libelled; mean while, he frankly acknowledged converse with his brother-in-law. Whereupon he was again remitted to the tolbooth. In a little time his father-in-law, when the primate was absent, through his interest with my lord Rothes, procured an act of liberation for Mr Govan, and brought it to him in prison, and he was let out

Alexander Peden petitions the council, November 14th, to be liberate from Edinburgh tolbooth where he had lain for a long time, and permitted to go to Ireland, where he had resided formerly for several years; since no libel had been given in against him, and he was not charged either with house or field-conventicles in Scotland, now for twelve years. The council, instead of granting his petition, banish him to the plantations, and discharge him ever to return to Scotland, and declare if he do, the sentence of forfeiture shall take effect, and ordain him to lie in prison till he be transported. He was accordingly, with several of these above named, sent away in the St Michael of Scarborough, as hath been noticed, where I find he was singularly useful among the prisoners, and an instrument of much good to many in the ship.

About this time, Mr Alexander Wilson, minister of the Gospel at Cameron in the presbytery of St Andrews, a singularly pious and peaceable person, was brought to no small trouble; I shall give a hint of it in this place, altogether from an attested account of it before me. He was turned out, with others, for his nonconformity to prelacy, by the influence of the archbishop, in the year 1662, after he had diligently served his Master in that charge twelve years, being ordained minister of Cameron in 1650. This good man went and lived in Cupar of Fife about sixteen years, during which time, notwithstanding his sermons were mostly in his own house, he was frequently searched for, and many times narrowly escaped. We have heard he was intercommuned some years ago, and towards the beginning of November this year, an order was sent, procured by the primate from the council, requiring the magistrates of Cupar, under the penalty of 500 merks, to banish Mr Wilson and his family from the town, in forty-eight hours after their receiving the orders. The orders came to their hands upon Saturday, when at the preparation-sermon, 1678. before the sacrament of the supper to be dispensed by the episcopal minister next day; and they thought good to delay the execution of them till Monday. When sermon was over that day, the magistrates, immediately after they came out of the church, before they went home to their own houses, came straight with their attendants and the town-officers, to Mr Wilson's house, and searched for him. He had got some hint of the orders, and had withdrawn himself: however, they intimate the council's pleasure to Mrs Wilson, commanding her and her family to remove out of the town in twenty-four hours. Mrs Wilson signified to them that it was not possible for her to remove her family in so short a time, having six children, and one of them under sickness at present, and hoped they would not be so rigorous, considering the circumstances of her small family. However, to obtemperate as far as possible, that very night Mrs Wilson privately removed with her sick child, and the other five, and her servants, to lurk in a neighbour's house, till she should see what would become of the sick child, and till she might take some measures how to dispose of her family, and that the magistrates might be in no hazard of the penalty, for not executing their severe orders, which they alleged was the only reason of their harshness to her. Yet the very next day, the magistrates came to see whether their orders had been obeyed, and finding nothing but locked doors, they caused a smith, whom they had with them for this very end, fix iron plates upon all the doors of Mr Wilson's house, while the whole plenishing was remaining in the house. Mrs Wilson looking for no such treatment, when she had, as far as possible, complied with the orders she received: yea, as oft as Mrs Wilson privately went into the house, to get out such necessaries as she wanted, as often new plates were put on by the magistrates. Under these difficulties Mr Wilson's family continued for some time, till the lady Prestonhall, knowing their strait, made an offer of an empty house near the town, but not within its jurisdiction, in which her gardeners used to live, which

presently. But Mr Govan is positive, no bond for living orderly, and not keeping conventicles, was offered him, far less did he give one, or any for him, that ever he knew of. If any other of the sufferers be misrepresented in the extracts from the records, I wish I had got the accounts of them, and they should have been added here.

1678. was very thankfully embraced, though there was scarce so much room in it as to place the beds necessary for the family. Even there the persecuting temper followed them: Mr Wilson was frequently searched for in that little house, but never catched; and the magistrates, in conjunction with the sheriff-depute, endeavoured to eject his family from that little shelter; but the foresaid lady protected them: and, as soon as the season of the year would permit, the family removed to Kirkaldy, where no house could be found to be set for money to Mr Wilson, save one that belonged to a person who was himself intercommuned for nonconformity. There and at Burntisland Mr Wilson and his family suffered very much till the revolution, when, in the year 1689, this excellent person, after twenty-seven years' persecution, returned to his old flock at Cameron.

November 21st, Thomas Wauch merchant in Hawick, William Turnbull brother to Walter Turnbull in Bewlie, and Margaret Barclay, appear before the council, for being present at house and field conventicles, and refusing to depone upon the circumstances of them, they are banished to the plantations.

One of these persons who were sent off, Alexander Anderson, left a paper by way of testimony behind him, dated, Canongate tolbooth, December 10th, 1678, a copy whereof is before me, which I take to be the original. He was extremely young, and under sixteen years of age, and yet because he would make no compliances, he is banished with the rest. He takes notice, 'that he is the youngest prisoner in Scotland, and that the Lord had opened his eyes, and revealed his Son in his heart, since he came under the cross; that though he had much difficulty to part with his friends and relations, yet he had now found fellowship with Christ did much more than balance the want of the company of his dearest relations; that though he be so very young, as he could not be admitted as a witness among men, yet he hopes that Christ hath taken him to be a witness to his cause. He adheres to the work of reformation from popery and prelacy, to the national and solemn league and covenants; and witnesses against the pulling down of the government of Christ's house, and setting up lordly prelacy, and joining with them; and adduces a good many places of Scripture, which he conceives strike against this practice. He makes an apology, that he who is but a child should leave any thing of this nature behind him; but says, he was constrained to it, to testify that God perfects strength out of the mouth of babes. He regrets the indulgence, as what, upon both sides, had been matter of stumbling and offence among good people; and declares his fears that a black dreadful day is coming upon Scotland; that it is good to seek the Lord, and draw near to him. He leaves his commendation to the cross of Christ, and blesses the Lord for carrying him through temptations, and enabling him, one of the lambs of his flock, to stand before great men and judges; and closes with his good wishes to all the friends of Christ.'

By an attested account I find, this year there was a conventicle in Perthshire, at the hill of Coltenachar, in the parish of Forgandenny; and, upon the Lord's day, an officer with a company of wild Highlanders came suddenly upon them, and, without any orders to dismiss, or essaying to seize any of them, discharged their pieces among the poor unarmed people. By good providence there was but one man killed, Andrew Breddy, a wright by trade, who lived at my lord Ruthven's gate, in the green of Freeland. He left behind him a widow and four orphans.

I shall end this section by observing, that toward the end of this year, the reverend Mr James Webster, since the revolution for many years minister at Edinburgh, was seized by the magistrates of Dundee, with eight others, when meeting for prayer and conference. Several of them were severely fined, though nothing could be laid to their charge, save calling on the Lord's name together in this melancholy time. Mr Webster was kept close prisoner in Dundee more than eighteen months. By the council-registers I find, 'March 20th, 1680, the magistrates of Dundee acquaint the council, that Mr James Webster had been upwards of a year prisoner in their tolbooth, for one house conventicle, (so they call this meet-

ing for prayer) and they have him to maintain in prison. The council order him to be liberate.' In this place I shall bring in all the hardships this worthy person underwent, from some hints he himself, after much importunity, sent me a little before his much lamented death, May 1720. After he had gone through his philosophical studies, wherein he made great proficiency, at the university of St Andrews, some three or four days before the class wherein he was were to receive their degrees, an order came from the archbishop, that he should lay aside his gown, and remove from the class. The only reason for this surprising order was, that Mr Webster had not waited regularly upon ordinances. The regent indeed, offered to intercede with the bishop, providing he would engage to walk orderly, and wait upon ordinances dispensed by episcopal ministers. Mr Webster refusing to do so, asked a testimonial from his regent, that he had studied under him four years. It was with reluctancy he refused this, telling him it was as much as his gown was worth. In the year 1678, Mr Webster was apprehended in the town of Dundee, on a Lord's day afternoon, when at a meeting for prayer, conference, and reading the Scriptures. Next day the magistrates, without calling any in the meeting before them, or making any previous examination, informed the council that they had seized several persons at a conventicle, with Mr Webster the preacher. By the council's orders, the persons taken with him were fined, and Mr Webster was kept eighteen months prisoner. In this interval the king's indemnity, 1679, was published, and Mr Webster urged it, and was indeed legally comprehended in it; but the magistrates would not allow him liberty, till at length the council was informed that he was no preacher, as indeed he was not, and so he was let out. About the 1685 or 86, when Mr Webster was living peaceably, in the house of Grier of Discanth, a party of lord William Douglas's troop came on a Sabbath morning, and seized him in his chamber, and carried him to Dumfries. He was examined upon the ordinary questions; and, with two worthy men, John Clark a farmer, and John Haldane weaver at the town-end of Dumfries, he was thrust into the thieves' hole, a very nasty place, and had for companions, three men there in firmance for robbery, murder, and bestiality. There Mr Webster and his two friends continued in that ugly hole full three weeks, and after that removed to the pledge house, where debtors used to be put. There he was confined four weeks, and then liberate by lieutenant-general Drummond. The gentleman in whose house they were taken, was likewise made prisoner for some time. A little after, Mr Webster was a third time taken prisoner, when walking in the street of Edinburgh; but the viscount of Strathallan quickly again let him go. These are some hints of the more public sufferings of this good man, whose eminent learning, piety, and zeal is so well known in this church, that I need say no more of him. Such was his modesty, that in his last letter writ to me, he terms all this, 'poor and insignificant sufferings, not worthy a room in this history.' I was of another opinion, and I think the reader will be so likewise. 1678.

These are some few of the troubles presbyterians were brought to for their being at conventicles, their nonconformity, and praying to the Lord together. Many more instances might be added, but I have very much confined myself to the public registers. It is now high time to come to close the history of this year, and this chapter I have been so long upon, with

SECT. VII.

Of the convention of estates which met in June, the cess imposed by them, and some other things which fell out this year 1678.

This chapter shall be finished with an account of the convention, and cess imposed by them, and some other incidents this year, which may clear up the history of this time, and yet could not conveniently come in upon the former sections. It was very grating to the prelates and their party, to find their contrivance of the Highland host come to so little, and the breaking out of field-conventicles, as we have heard, made them lose the sweetness they expected from the severe revenge they had taken on the west country. Care was taken to inform the king of these field-conventicles, and

1678. they have recourse to their so long wished for expedient of a standing army, which they found necessary to carry on their arbitrary measures, and the oppression of the poor harassed country; and what only could support them under the hatred they had drawn down upon themselves, by the severe and illegal methods now given into. The necessity of more forces had been dropt in letters from Scotland, and it was very agreeable to the measures now upon the field in England. Accordingly, a letter comes down from the king, dated May 7th, containing another approbation of their procedure, and a proposal to raise new forces; and it deserves a room here.

'CHARLES R. Right trusty, &c. We greet you well. After full and satisfactory information from the lords commissionate by you here, of what hath been done by you in our service, we do again approve of your proceedings, and your care, assuring you of our favour, assistance, and protection, upon all occasions: and for the more effectual demonstration thereof, we find it necessary to signify to you, and by you to our people there, that we are firmly resolved to own and assert our authority, so as it may equally encourage you, and discourage all such as, by seditious practices, endeavour to asperse you, and lessen our authority and prerogative: and finding by good information, that the fanatics there, expecting encouragement from such as oppose you, and taking advantage of the present juncture of affairs here, have of late, with great insolence, flocked together in open and field-conventicles, these rendezvouses of rebellion, and have dared to oppose our forces. Though we neither need, nor do fear such insolent attempts, yet, from a just care of our authority, and kindness to our subjects there, we have thought fit to order some more forces to be levied; and for that effect we have commanded the lords of our treasury, to take an effectual course for providing what money we shall find necessary, for raising and maintaining those troops at our charges. We shall expect a speedy and exact account of what number and quality of troops may be necessary upon this occasion, to the end we may direct commissions, and give such orders as we shall find requisite: and for doing this, this shall be your warrant. And so we bid you heartily farewell.'

'LAUDERDALE.'

Such a letter as this would be very acceptable to the managers; and they write back, as we have heard, that the only way left to bear down conventicles, is by raising new forces. The forces needed money to support them, and a convention of estates was necessary to raise this. Parliaments now could not be ventured upon, lest enquiry had been made into the state of the nation, and methods taken to relieve the country from the hardships it was lying under; and a convention answered the demand of money fully as well. This practice of calling conventions only to levy money, and never permitting parliaments to sit to consider just grievances, and provide remedies, was one of the arbitrary steps of this period loudly and justly complained of. Accordingly, in council, May 28th, a letter constituting the duke of Lauderdale commissioner, with very large and ample powers, is read, and a proclamation for calling a convention of estates, is published with very great solemnity. A copy is annexed at the foot of the page.* I shall

* *Proclamation for convention, May 28th, 1678.*

Charles, by the grace of God, king of Scotland, England, France, and Ireland, defender of the faith, &c. To all and sundry our good subjects, whom these do, or may concern, greeting: the great kindness we bear to that our ancient kingdom, hath at all times inclined us to be very watchful over all its concerns: and considering, that all kings and states do, at present, carefully secure themselves and their people, by providing against all such foreign invasions and intestine commotions, as may make them a prey to their enemies; and that it is not fit, that that our kingdom should only, of all others, remain without defence, especially at a time wherein those execrable field-conventicles (so justly termed in our laws, "the rendezvouses of rebellion") do still grow in their numbers and insolence; against all which, our present forces cannot in reason be thought a suitable security. Therefore, and that we may be the better enabled to raise some more forces, for securing that our kingdom against all foreign invasions and intestine commotions, and to maintain them in the most equal and regular way, and let the world see the unanimous affection of our people to us; we have thought fit to call a convention of the estates of that our ancient kingdom, to meet at Edinburgh upon the twenty-sixth day of June next to come: and we do

make no reflections upon it. When the sending in an army of barbarous Highlanders to live at discretion, was not of force enough to tempt presbyterians to rebellion, it is in vain to speak of hazard from field-conventicles; and the reader will notice them now to be termed execrable meetings. What would papists and others say, when they heard the pure and plain preaching of the gospel declared execrable, and a great blessing, by this profane style, made a curse. That the reader may have a further view of the true state of field-meetings at this time, and the preceding years, I have insert a letter writ in defence of field-meetings, by a person of good judgment, upon the receipt of this proclamation, see below.* After this proclamation was published, the guards attended the duke, and to- 1678.

hereby require and command all archbishops, dukes, marquisses, earls, viscounts, bishops, lords, and officers of state of that our kingdom, to be present, and attend that diet: and also we do require all our sheriffs, in the several shires, and their deputes, that if there be any new elections already made for this year, of commissioners to parliament or conventions, they make timeous intimation to these commissioners, to keep this meeting; but if there be no elections already made, that then, they forthwith call and convene all the freeholders in the respective shires, that according to the laws and acts of parliament, elections may be made of fit persons, to be commissioners for this convention: and that our royal burrows make choice of commissioners accordingly, and that they and all other persons having interest, attend this convention of estates, under the pains contained in our laws made thereanent. And that all our good subjects may have notice of this our royal will and pleasure, we do hereby command our lyon king at arms, and his brethren, heralds, maceers, pursuivants, and messengers at arms, to make timeous proclamation hereof at the market-cross of Edinburgh, and at the market-crosses of the head burghs in the several shires of that our kingdom. Given at our court at Whitehall, the twenty-third day of May, 1678, and of our reign the thirtieth year.

GOD SAVE THE KING.

* *Letter in defence of field-meetings, June* 1678.

I thank you for your letter of news, with the proclamation for a convention, inclosed: but I strange to find mention of field-conventicles made therein carry you so far beyond your ordinary moderation. For my meeting upon their late increase, and some other apparently offensive circumstances, rather through the prejudice which this condition may have excited, than with that juster consideration ye use to adhibit, ye accuse the ministers and leaders, of several imprudences, and forgetting not only the other motives couched in the proclamation, but what the contrivers of this proclamation are certainly known to design, you almost conclude us field-meeters to be the only troublers of the land, which being a charge too uncharitable for you, and too heavy for us, as Christians or good countrymen, I shall endeavour briefly to clear your judgment of these darkening mistakes, and then point out to you more solid and satisfying discoveries. I need not insist with you upon the engagements that we have in conscience against bishops and their dependers, and to our own outed ministers: though our scripture grounds were less pregnant, and our oaths and covenants fewer, yet I am persuaded, that all sober men who have rightly considered the nature, fashion, and fruits of these two sorts of ministers and their ministry, will already grant that the very all of our religion, that is, the glory of God, and our souls' salvation, are most deeply concerned in the differences. Men dispute about forms, and amuse themselves with vain searches: but as things are now seated, their agreement and disagreement to me comes shortly to this, that both serve their own masters, the bishops and curates, instigated by their own lusts, and set up by men, do their own work; and our poor persecuted ministers, engaged by better motives, and sent by our Lord Jesus, do accordingly pursue his will and pleasure, and how determining this should be to all who mind their souls' interest, is no hard matter to judge. This only I am most sure of, that these things with the great and signal advantages they have received amongst us, more than in all the reformed churches besides, should at least plead with our rulers in our behalf for full and free toleration and protection; but how contrarily we have been treated, God and the world knows. It was not enough to overturn the Lord's ministry, and in its place to erect abjured prelacy, but as if either conscience had been a story, or as versatile as the weather-cock, all must by their actual conformity testify their hearty conformity and compliance with this new model; so that even simple withdrawing is made criminal, and the innocent withdrawers driven and over-driven to their churches, until we were driven into the confusion of the 1666. After that distress and extremity we had but a short breathing, when immediately house-meetings come to be more strictly noticed, and field-meetings prohibited under the pain of death to the preacher and convocater, and other grievous penalties to the meeters, and yet so rigorous was the necessity, that we were constrained to venture to the fields, both because of the danger of houses, paucity of preachers, and a great confluence of hearers. For clearing whereof I need not remember you how ministers were banished and ejected out of towns, how fifty pounds sterling was the fine of every master in whose house a conventicle was found, how officers and spies were and are set in several towns to spy out and seize summarily both on meetings and ministers; and lastly, how men and women both have been dragged, without warrant of law, from meetings in houses, to prisons, as if less bailable than murderers, and some forced to go out at windows to escape the inconveniency. These things, I say, are but too well known: but that which more presseth, and better expresseth the necessity I plead, is the paucity of ministers, which is such, that it is rare to find two or three of them together in a shire, and the great confluence of

1678. morrow, May 29th, he came up to the church in great pomp, and the day was celebrated with lusty drinking and feasting. A new regiment of foot, three troops of horse, and some dragoons were proposed to be raised, and a cess of eighteen hundred thousand pounds to maintain them. The electious went all well on as the court

hearers, whose extraordinary number, neither houses nor churches can receive; so that all these things laid together, I would gladly ask you or any sober man, what other cause, poor people under a pressure of conscience, and soul-indigence for such occasions should take? and what better expedient they could fall upon, when no choice was left them, than to imitate our Lord's example, so great, so good, and so constant a field-conventicler? Men of late speak against our field-meetings, as if they were a wild choice of our own fancy, and that we had needlessly left houses when we might have kept them; but as the contrary is too too evident, so I am persuaded that any who considers, how that, whether for withdrawing, or for going to other allowed churches besides our own, or for house-meetings, or for field-meetings, or for building houses to ourselves, or lastly, for going unto vacant churches, we have been always persecute with the same rigour, will easily be convinced that it is neither this nor that manner of it, but nonconformity in whatsoever form, that is the only object of the bishops their implacable animosity. But you say, there are several scandalous circumstances in our meetings that do most provoke, such as our hearing of forfeited and intercommuned ministers, our meeting in arms, and our preachers speaking unsufferably against authority. But first, I am glad you do not object our hearing of papists, anabaptists, and other sectaries, but I think you make no question that this is but a calumny, as also that if it were more true, it would be less objected. Next, as to our own hearing of forfeited and intercommuned ministers, I think even our enemies will not say, that either forfeiture or intercommuning doth unminister, so that since men, through the Lord's good providence, have escaped, and are preserved from the effect of these law-censures, we see nothing that should hinder us to own and regard them as the Lord's ministers, and our pastors, except law-hazards, which may well make our reckoning greater, but doth not make it worse: you know that more might be said upon the grounds and causes for which these few forfeited ministers were so sentenced, but I forbear. Only as to the intercommuned; since the ground of this intercommuning was the men's faithfulness, and that they therefore have been treated with severities which used only to be exercised towards the most notorious criminals, such as wilful murderers, thieves and robbers fugitive from law, I see not why it should not endear them the more to us, and give our rulers just cause to blame themselves for the contempt of authority, which in effect is only occasioned through their own first abusing it. As for our meeting in arms, you know perfectly that this is only practised in a very few places, by a very few men, and yet talked of at a very monstrous rate; but it is indeed this fable that I think shall turn one kingdom to a fable, for as it was made the greatest pretence to condemn the west, unheard, into a state of rebellion, and bring upon it the late hostile and barbarous invasion, albeit it cannot be instanced that ever at any meeting in these parts, his majesty's forces were either resisted, or in the least apparent hazard of being resisted, so now it is blown up with all the cunning and industry possible, to make the kingdom believe that they are in such an imminent danger as cannot be prevented, except by the payment of such sums as are like to prove its undoing. Our field-meetings were at first soberly called seditions, then the style is improved, and they are called rebellions, but the design requiring it, they must be proscribed as execrable, and this third and last blast is thought enough to blow us from both our monies and liberties, but, Sir, *si populus vult decipi, decipiatur;* it is known to all that these meetings were generally at first, and are still in many places so naked and defenceless, that two or three idle fellows, without any warrant, have at their own hand fallen upon meetings of seven or eight hundred, and scattered them without resistance, and oft times about Glasgow and other parts, three or four redcoats have and may still dissipate thousands of these meeters most securely: which things albeit they have often happened, and that with such beatings and pillagings, and other insolencies as law doth not allow, and flesh and blood can hardly bear, yet have neither these nor the abovementioned act of parliament, making these meetings capital, as I have said, provoked them for the most part to any better posture, and all that can be with truth alleged, is, that partly to protect three or four ministers in more special hazard by reason of a price set by the council on their heads, and partly to prevent the profane interruptings and abusings of God's holy worship, and sincere worshippers, by the boldness of contemptible, and oft times unwarranted parties, some few in remote parts have been moved to come together in such condition as might secure them from such attempts. But if these things be a little offensive, may it not, think you, be a reasonable allay to reflect upon all the violences, even to the wounding and killing of several persons, that have been committed in our meetings without any opposition; and how often have sheriffs with their men, and parties of the militia, and standing forces, come to our meetings, and been encountered by double, yea, triple their number, who could have eat them up? and yet so great was the deference to authority, that all done was to break off and capitulate for a safe retreat. It is true the act 1670, calls the field-meetings "rendezvouses of rebellion;" and this groundless conceit hath been so much of late talked of, that the simple may possibly believe that they are declared to be such, and the being at them made a kind of statutory treason; but there is indeed no such matter; and all the import of the phrase is, that the legislators, in a more passionate than judicious preface, thought fit to employ that angry ugly expression, to render the thing more odious; but as to the body of the act, it is clear and precise enough, and contains no such thing. In a word, Sir, you may see that neither were the fields our choice, nor should our arms (for since men call them so, I may comply, albeit it is scarcely without laughing and blushing at their fecklessness) be farther considered than to move

could wish, and the convention sat down upon the day appointed, June 26th, and upon the 10th of July they come to pass their act and offer of eighteen hundred thousand pounds to the king. This is so express in its terms, so plain in its design against presbyterians, and became so heavy in its execution, that I 1678.

and induce our rulers to moderate these severities that have provoked to them: but if humour take authority, and so it become determined, were it even against the most ridiculous of all things, *to wit*, for instance, even laughter, it is certain that neither pretences, even specious enough, nor disorders and confusions infinitely greater, would be wanting in the prosecuting of its discharge. But the third thing you object is, that our ministers speak insuperably against authority; and I shall not say but temptations too visible, and infirmities inseparable to the best, may carry to a little excess sometimes: but on the other hand, I may assure you with the justest confidence, that the reports that commonly are spread of this, are very false and calumnious, that it is but seldom, and in clearly inviting occasions, that they at all meddle with public matters; and that if men's most horrible defections, and most unchristian and unnatural persecutions were but in the least reflected upon, our ministers' talkings, were there tenfold more, would sooner be excused than reproached. I might have insisted longer upon all these heads, and also have commended these meetings from the Lord's visible presence with them, and the most remarkable fruits of the gospel that have attended them, above the discreditings of all the calumnies of the adversary, but wisdom is justified of her children; only, to evince to you or any reasonable man that hath not laid aside all regard to conscience, and is *not* wretchedly infatuated with the so much lately magnified delusion, that peace and nonconformity, every where compatible, upon far more different terms, are only in Scotland incompatible on any terms, let our rulers but once apply themselves to any thoughts of a fair toleration, and you shall quickly see our tolerableness. I know they have already tried indulgences, but is it not also manifest that these were ensnaring to consciences, so restrictive of ministerial liberty, so uneasy as to the persons of men, and so unindulgent to other parts of the kingdom, that it is rather to be marvelled that they have produced so much quiet? Our ill-willers would have it also believed that some of us are so humoursome that we neither agree with our brethren that are indulged, nor could agree among ourselves in any possible demand; but albeit we be dissatisfied with the pretences of the indulgences, and care little for such clogged indulgences, yet we know well enough, that even ill contrived, and far worse intended favour may be innocently made use of; and although I will not take upon me to be a proposer, yet this I am sure of, that the simplest concessions are every way the best, and do nothing doubt but that the liberty which the infidels grant to Christians in Turkey, or papists grant to protestants in France, or even prelatists grant to nonconformists in England and Ireland, may afford very effectual directions. Nay, I am persuaded, that would our rulers but assuringly and fairly allow us to meet in houses, without hindering those that would not enter, to abide and hear without, it would prove a more certain remedy of all their jealousies of our meetings in the open fields, and with arms, than all their hosts, forces and conventions; or if you please to bring the business yet lower, both for refuting calumny, and removing all offensive appearances, let our rulers only declare, that they will not cause attack and disturb our meetings in hostile manner, but content themselves to prosecute us and them by order of law, and legal process, and I am sure the few that come in arms, would instantly lay them aside. What reason there is then for a convention, and all the burdens wherewith it threateneth the poor, afflicted, distressed kingdom, let all men judge, and I hope these concerned will consider. But, Sir, for to make way to these discoveries that I farther promised, hath not force already been used by Dalziel's army in 1666 and 1667, and now again by the Highland host?' hath it not been the work of our parliament, and the constant will of our council now these seventeen years, to establish conformity, and suppress what they call the contrary disorders? hath not the bond and lawborrows also been contrived (and, if you please, you may suppose, that one or both of them had been taken universally) with the greatest caution and most extensive provision imaginable for this effect? and what hath all availed, and what, I pray you, can be promised, from the utmost of this kind that can be devised? Far be it from me to boast, the subject is too sad, and I know too well both the weakness of men, and the uncertainty of sublunary things, to give way to that vanity; but if my apprehensions may be received by you with the same sobriety and sincerity wherewith I desire to entertain them, I am much of the opinion, that albeit we should give five, nay ten years' cess, and should order all the forces it can bear, to be levied, it will not bring the work of our meetings to nought, and men will much sooner weary themselves both of paying and persecuting, than the Lord's people will weary of his service; and yet for all this the matter is far from being desperate, for let but a fair equal liberty be granted, not excluding any caution that may be reasonable for securing of the public civil peace, and I dare engage a serenity of mutual peace amongst fellow-subjects, and pure affection and submission from all to his majesty, shall shine forth amongst us as ever blessed a people; which things being so hard and hopeless on the one hand, and on the other so easy and promising, is it possible men should err in their choice, were they not under very sinistrous and pernicious influences? I need not tell you how factions have risen, and been driven these several years in this nation; and amongst other things it hath been one of our wicked calumnies to persuade themselves and others, that the malcontent lords and we do now understand one another, and that, I warrant you, is dangerous enough, but for what other reasons or ends, except it be to involve themselves with us in the same oppressions, and miseries I could never conceive. Thus you see the most conformable of them have been pressed with the late bond and lawborrows, and that without any respect either to their own unques-

1678. cannot but insert it as a note.* Reflections upon it are needless, the reader will easily see, that they narrate the disorders of the country, which they lodge

tionable conformity, or their utter incapacity to undertake for others, or lastly, the certain insignificancy of the bond as to the thing pretended to by it. But the unhappiness of the affair was, that the best reason that these malcontents had for their refusing, viz. incapacity, and impossibility was also the strongest, yea, only reason to urge them to it, seeing that the imposers did thereby clearly understand that by subscribing or enacting they would be wholly at their mercy for the full avail of their fortunes; and now that you know how obnoxious our governors have made themselves by their late acts, and what complaints have been made of them, can you doubt but that the special motive of the calling of this convention, hath been that common maxim, that when men have run into the greatest disorders, there remains no way of doing better, but by doing worse, and the principal end of the indiction is to have money and forces to secure the projectors by the ruin of *their opposers?* I confess it is also very probable, that avarice and ambition, especially the former, have had a powerful accession; but this is no further of my concern than to tell you, that he must be very dull, or infinitely easy and opulent, that can suffer himself to be cheated by such manifest contrivances of avarice, ambition, and revenge, out of both his money and liberty, upon thin and threadbare pretenses of our so necessary, harmless, and easily remediable field conventicles. I thought also to have remarked to you the great kindness of the country, (so much wasted and disordered) the good example of other kings (no doubt the most Christian king for one) for securing themselves against foreign and their own people, our present want of defence against foreign invasions, (when all men talk of a general peace) the unproportionableness of our present standing forces, against the danger of conventicles, (when yet two fair words, let them serve God in quietness, would blow away all the hazard) and the maintaining of the forces to be raised in the equal and regular way (that is, after the exhausting of the west, by an equal exacting upon all) which are the rest of the reasons hinted at in the proclamation; but seeing I have already said enough for clearing the true causes, I am loath to trouble you with any reflections, and do securely leave all to the wisdom, fidelity, and courage of these honourable persons that are to meet in this assembly, and the sovereign and overruling disposal of the almighty God, who standeth in the congregation of the mighty, and judgeth among the gods. Will they still judge unjustly, and accept the persons of the wicked? Let them defend the poor and fatherless, do justice to the afflicted and needy, deliver the poor and needy, and rid them out of the hands of the wicked; if they know not, neither will understand, if they walk on in darkness, when all the foundations of the land are out of course, though they be called gods, and all of them the children of the most High, yet shall they die like men, and fall as one of the princes. Arise, O God, judge the earth, for thou shalt inherit all nations. So I bid you farewell.

* *Act and offer of* 1,800,000 *pounds by the convention*, 1678.

The convention of estates of the kingdom of Scotland, by his majesty's authority and command, at this time assembled, considering the great happiness, peace, and tranquillity they enjoy under his majesty's royal government, and his fatherly care for this his ancient kingdom, in being so watchful over all its concerns; and that as all kings and estates do at present carefully secure themselves and their people, by providing against all such foreign invasions and intestine commotions, as may make them a prey to their enemies: so it is not fit that this kingdom should only of all others, remain without defence, in a time wherein these dangerous field conventicles, declared by law 'rendezvouses of rebellion,' do still grow in their numbers and insolences, against all which, the present forces cannot in reason be thought a suitable security. And considering the many frequent and renewed professions this kingdom hath made, with their lives and fortunes to serve his majesty, in the maintenance of his honour, and greatness, and that there is a new opportunity offered to them to make good the professions of their zeal, duty, and affection; in recognizance whereof, and in humble acknowledgment of the same, and that his majesty may be the better enabled to raise more forces for securing this his ancient kingdom, against all foreign invasions and intestine commotions; and to the end, they may be maintained by equal and regular ways: and to let the world see the unanimous affection of this his majesty's ancient kingdom, for the maintenance of his majesty's royal greatness, authority, and government, in church and state, as it is now asserted and established by the laws of the kingdom, and in order to the entertainment of such forces, as his majesty shall raise for the defence thereof, the convention of estates of this kingdom, for themselves, and in name of, and as representing this his majesty's ancient kingdom, do humbly beseech his majesty would be graciously pleased to accept the unanimous, ready, and cheerful offer, and humble tender of a new supply of eighteen hundred thousand pounds Scots money, to be raised and paid forth of the shires and burghs of this his majesty's ancient kingdom, in the space of five years, according to the present valuations, and that as twenty-five months' cess, in the whole, being five months yearly, amounting to three hundred and sixty thousand pounds Scots, ilk year, at two terms in the year, by equal portions, beginning the first term's payment, being one hundred and fourscore thousand pounds, at the feast and term of Martinmas next to come, for the half year immediately preceding, commencing from the term of Whitsunday last, in this year of God, one thousand six hundred seventy and eight years, and so forth to continue, and paying termly the foresaid sum of one hundred and fourscore thousand pounds Scots, until the term of Whitsunday, one thousand six hundred eighty and three years inclusive, which is hereby declared to be the last term of the said five years, within which space, the said sum of eighteen hundred thousand pounds Scots, is due and payable, and that at the proportions under written respective, being five months' cess yearly, by the foresaid space of five years, which is two months and one half month's cess for every term.

upon field conventicles, for remedy of which they agree to the raising and paying of an army, for subsisting of which they lay their assessment upon the country, and conclude all with a very rigorous method of uplifting the money. By this the bishops have at length their wishes. Their friends are provided for in the army, presbyterians are first divided, and then borne down by the soldiers, and by the severities of this new army they are forced to a rising next year.

This act divided those who were already disjointed, and the debates upon the lawfulness or unlawfulness of paying the cess here imposed, were not few. Upon the one hand it was strongly urged, that the payment of this cess was an active concurring with the persecutors in their bearing down of the Lord's work in the land; and it was said, it was much the same whether this was done by the sword or the purse. Upon the other side it was reasoned, that since violence was both expected and used, it appeared more advisable by a piece of money to preserve themselves and their families alive, and their substance in their hands, for better uses, than by an absolute refusal to give an occasion, and afford a legal pretext to the collectors' cruelty, to destroy all, and take as much as would raise and maintain two armies. It was added, that paying cess in this case was not spontaneous, but involuntary and forced, and therefore to be excused, a person in such circumstances being rather a sufferer than an actor; and though it would be certainly sinful in a merchant, to throw his goods into the sea in fair weather, yet it becomes his duty to lighten the ship, that he may save his life in a storm. Some of very good parts and great piety were upon both sides of this debate, and the heats and heights among ministers, preachers, and people, were not small. The banished ministers in Holland were warmly against paying this assessment; and such ministers here who were of the same sentiments preached against the paying of it, and some of the hearers violently pressed ministers to preach against it, while those of the other side asked, how they would keep it and much more out of the soldiers' hands? Against paying it the example of one of the primitive Christians was much urged, who having rashly demolished an idol temple, choosed to suffer martyrdom before he would rebuild it. These who were for paying it, as the lesser evil of suffering, were silent till the clamour and heat was a little over, and used to declare, that if in their judgment they had been against paying it, they would have advised people to retire and leave the country. Some few did pay it with a declaration, and chose the middle way betwixt paying it without any testimony against what was evil in it, and refusing to pay at all. Among these the forementioned Quintin Dick in Dalmellington was one. And it will not be unacceptable to some of my readers to set down from his own papers his exercise and practice in this matter in his own words. 'In the year 1678, the king, by an act of the convention of estates, did impose upon the subjects, a cess to be paid, and by the act did signify the reasons for which he imposed it; and among others this is one, for levying and keeping up of forces to suppress these meetings, called conventicles. The act with this qualification did beget in many a reluctance to give obedience; and amongst others, having made it my work in my place and station (as a witness to the interest of my Lord and Master Jesus Christ) to keep at distance from all manner of sinful compliance or accession to the overthrow of his work and worship in Scotland, I judged myself deeply concerned how to carry in this case: especially, when by the holy and sovereign dispensation of God, for his own holy and wise ends, he hath made it the sad lot of the honest ministers and professors in Scotland at this time, to be under a spirit of division and rent, to that measure, that though all were for bearing witness to one and the same cause and interest, yet they could not agree in one and the same method and way of entering their testimony. In this hour of darkness, being much perplexed how to carry without scandal and offence, I betook myself to God for protection and direction: for protection, that I might be kept from any measure of denying of Christ, or giving ground to persecutors to think or say, that I had contributed any thing for the overthrow of Christ's work: and for 1678.

1678. direction, that I should not be found to stave off my trouble upon any grounds, but such as might be clearly warranted from the word of God. And after much liberty in pouring out my heart to God, I was brought to weigh, that as my paying of it might be by some interpret a scandal, and a sinful acquiescence in the magistrate's sinful command; so upon the other hand, my refusing to pay it would be the greater scandal, being found to clash against a known command of God, of giving to all their due, tribute to whom tribute is due, custom to whom custom; and knowing that Christ Jesus, for that same very end, to evite offence, did both pay tribute himself, and commanded his followers to do it, I could see no way to refuse payment of that cess, unless I had clashed with that command of paying tribute unto Cesar. So to evite the scandal of compliance on the one hand, and disobedience to the magistrate in matter of custom on the other, I came to a determination to give in my cess to the collector of the shire of Ayr where I lived, with a protestation against the magistrate's sinful qualification of his commands, and a full adherence unto these meetings of God's people, called conventicles, which in the act he declared his design to bear down, as the protestation itself, signed by my hand more fully bears in a paper by itself. I had no sooner done this, but I was trysted with many sharp censures from many hands, among which this was one, that my protestation was only to evite sufferings, and could be of no weight, being *protestatio contraria facto*. But being truly persuaded, that it is the magistrate's right to impose and exact cess and custom, I could have no clearness to state my sufferings in opposition unto so express a command of God. And as to the magistrate's sinful qualification, having so openly declared and protested against it, I conceive the censure of this to evite suffering, is altogether groundless; seeing the enemy has subscribed with my hand before witnesses, a resolute adherence to that which they say this tends to overthrow; and if he mind to persecute upon the ground of owning conventicles, he has a fair and full occasion against me, under my hand: but if he intend to state my suffering upon refusing to pay cess to the magistrate, I have no clearness to expose myself, or give him ground to found my sufferings upon such a refusal. And when my subtile adversary seeks grounds to state my trouble upon my opposition to any of the commands of God, I absolutely hold it for duty to own these commands, by paying of Cesar's due, and to obviate his subtilties by a clear protestation against sinful qualifications. So whatever has, or shall be the censure of friend or foe, this I say to the praise and glory of my God and my guide, I have met with from him much comfort, peace of mind, and rest in my conscience: "Thou hast holden me by my right hand, thou shalt guide me with thy counsel, and afterward receive me to glory."'

A few months ended this debate practically, and all were forced to pay this imposition one way or other. We shall, in the progress of this history, meet with many instances of the severities of the soldiers in exacting cess from good people who scrupled to pay it.' I shall only give one instance this year out of many. James Graham of Claverhouse, with a numerous party of soldiers, came and quartered upon Gilbert M'Meiken in new Glenluce parish, for a good many days, without paying any thing; and when they went off, though they had consumed ten times the value of the cess, they carried with them three horses worth ten pounds sterling. John Arrol who commanded the party, was killed next year at Drumclog, and had his bowels tread out by a horse.

Before I leave this matter of the convention, let me take some notice of the state and circumstances of the army, and the affair of the militia, which came towards the end of this year to make some noise. The troops to be maintained upon this cess were principally designed against the presbyterians. The settling of the Highlands was also made a pretext for some of them. I shall give some hints how this affair, and that of the militia, stood this year, as far as I can gather from the registers.

September 11th, I find a letter from the king read in council, requiring them to raise two Highland companies, that a stop may

be put to the depredations in the Highlands; and ordering each company to consist of 150, besides officers. I do not find in the registers that any such companies are raised. Indeed at this time they are so throng in prosecuting conventicles, that they seem to mind nothing else; and it may be, the managers inclined to have the soldiers, supported by the cess, employed mostly that way. September 13th, they write a letter to the lord M'Donald, ordering him to attend them, September 27th, that he may give security for the peace of his bounds; but he makes no haste to wait on them. And, October 10th, the registers bear, 'that the lords of his majesty's privy council having, for the peace of the Highlands, granted warrant to keep a garrison at Inverlochy, do give warrant to their commander to garrison the house of Dowart belonging to the earl of Argyle, or that of Kenlochallen belonging to Maclean of Lochbowie, or that of Dunolich belonging to the laird of M'Coul, or Bartallen belonging to the earl of Caithness, as he shall find cause. November 11th, they write another letter, charging the lord M'Donald to compear before them November 28th.' But that popish lord continues to sit their charges, and, it is said, wanted not a friend at court, who one day might have service for him and his popish vassals, as much as the council had for the Highlanders in the beginning of this year, against the west country.

The business of the militia was a matter that more nearly concerned the managers, and of greater consequence to them for securing their arbitrary measures, and the bearing down of presbyterians, and therefore some more vigorous steps are taken in it. A letter is read in council, October 9th, from the king, signifying that he had granted commissions to raise a regiment of foot, consisting of eight companies, and three troops of horse, of sixty men each, besides officers, to secure the kingdom from foreign invasions, and intestine commotions; and requiring all the officers of the former and new levied forces to attend their respective charges upon pain of his displeasure. The council nominate the earls of Murray, Wigton, and Linlithgow, the bishop of Galloway (lately made a counsellor, and now he must be employed for the church in military affairs) lords Elphinston, Ross, and Collington, and Mr Maitland, or any three of them, to meet the 22d instant, and deliver commissions to the officers named by his majesty, and to order them to rendezvous on the links of Leith last Thursday of November, and appoint the earl of Linlithgow to intimate his majesty's pleasure above to all concerned. It would seem these new forces did not fully answer the ends proposed, and therefore, November 14th, a letter comes down from the king to the council, about raising and modelling five thousand foot, and five hundred horse out of the militia troops. The council acquiesce in it, and no doubt it was the concert of the prevailing party among them, and send up instructions relative to this matter, for the king to give his consent to, of which more just now. December 19th, this matter is brought to some ripeness; and another letter comes down from the king, giving them thanks for their care in this matter, and fully approving their instructions to the commissioners of the militia, and the division of them, as to the different shires through the kingdom, with an oath that the king will have all of them to take. I have insert all those in a note below, for the use of such as are willing to peruse them: indeed this was a model to make the militia effectual for all the ends of a large standing army, and a promising method to bear down and ruin presbyterians.* 1678.

* *King's letter with instructions about the militia, with his letter about the oath and the tenor of it, December 19th, 1678.*

Right trusty and well-beloved, &c. We greet you well. Having received an account of your diligence in the matter of the new model of the militia of that our ancient kingdom (so earnestly, in our letter of the 26th October last, recommended to your care) we are therewith so well satisfied, that we cannot but return you our thanks for the same, and for the cheerful readiness that appears in you upon all occasions, to promote our service. We have seen the instructions prepared by you to be given to the commissioners of our militia, with a particular account of the division of the five thousand foot, and five hundred horse on the several shires, according to the proportion of the militia appointed by the twenty-fifth act of the third session of our first parliament, in the year, 1663.

1678. I come now to gather up some other things which fell out this year, left of design to this place, which may tend a little to enlighten the history of this

And we being very well pleased with both, have now thought fit to let you know, that we do approve the same. And therefore, we do hereby authorize and require you, to enjoin the commissioners of our militia, punctually to observe those instructions: and we do further authorize you, to add unto them such other directions and instructions, as you shall from time to time judge needful, for the more effectual performing that service. In the mean time, we will give orders to despatch the commissions for the officers, conform to the several precincts mentioned in the said division, to the end no time may be lost in bringing so good a work to perfection. We have received your letter, dated the last of November, and are very well satisfied with those hearty expressions of your duty to us and our government; for which we return you our thanks, being well assured of your continuance in the same. We bid you heartily farewell. Given at our court at Whitehall, the tenth day of December, 1678, and of our reign the thirtieth year. By his majesty's command,

LAUDERDALE.

Follow the instructions mentioned in his majesty's letter, to be given by his majesty's privy council to the commissioners of the militia of the several shires in the kingdom of Scotland.

His majesty taking to consideration the great dangers which threaten his sacred person and government, and all his good and faithful subjects, both from foreign and intestine designs, and especially from the hellish plot of jesuits and papists, and turbulent commotions of seditious people; and his majesty relying much on the constant loyalty and fidelity of this his ancient kingdom, and laying hold upon the frequent offers made by them to him of the militia of horse and foot within the same, hath by his letter to his privy council, signified his royal will, for putting a part of the said militia in a fit capacity to act for the preservation of himself: in obedience whereunto, his majesty's privy council have, by an act relative to his majesty's letter, appointed five thousand foot, and five hundred horse, of the number of these twenty thousand foot, and two thousand horse of the militia established by act of parliament, to be drawn out of the several shires and burghs of this kingdom, being a fourth part of the whole (not including the militia of the town of Edinburgh) and that these five thousand foot, and five hundred horse be established according to the rule of proportion: and whereas the proportion of your shire of is foot, and horses, you are therefore ordered to stent the number of horsemen and footmen, upon the parishes, heritors and liferenters in your shire, in the usual manner, having always a care to pitch upon such as may constantly attend the service. You are to appoint all these listed within your shire to rendezvous and keep together four days each month, at such times, and such places, as the major of foot, or lieutenant of horse shall appoint, whether it be by single companies of foot, squads of horse, or greater number, or the whole, as the major of foot, or lieutenant of horse shall order. You are to order the heritors to give allowance to the horsemen and foot soldiers, for keeping the said diets of rendezvous of four days in every month, and that for ten months (his majesty being to pay them for the last two months) at the rate of six shillings Scots a day for ilk footman, and eighteen shillings Scots for each horseman, conform to the act of parliament; and ready obedience is expected hereto, seeing they are at no more expense by paying forty days to this number, than they were at formerly, by paying ten days to the whole, which they either did, or should have done. The heritors of your shire are to pay their proportion of forty-eight pounds Scots to the trumpeter, with the shires who are joined with them in constituting the troop; as also your shire is to pay twelve pounds Scots to every drummer who serves in the companies within your shire conform to the act of parliament. You are to appoint two of your number, *per vices*, to attend the first day of each monthly rendezvous within your shire, and one of your number to attend the general rendezvous of your regiment or troop when they come together, it being necessary that there be one commissioner present for every shire, out of which the regiment or troop is taken, to the effect they may give order for fining and punishing the absents, and for proceeding against all deficients, and for performance of every thing else incumbent to them, conform to the acts of parliament and council made thereanent, as well in every company of foot, and squadron of horse, as when the whole regiment and troop are together. These two commissioners, with the concurrence of the commanding officer, present for the time, of the foot company or squadron of horse, or corporalship, and of the major of foot and lieutenant of horse, or other commanding officer present, when the regiment of foot or troop of horse are together, are carefully to cause poind every deficient and other transgressors, conform to the acts of parliament and council anent the militia; hereby requiring the said commissioners to do exact diligence herein, as they will be answerable at their utmost peril, and certifying these commissioners who shall be absent, or, being present, shall neglect their duty hereby and by act of parliament entrusted to them, they shall be proceeded against as contemners of his majesty's authority and service, and neglecters of the public peace of the kingdom.

N. B. Several instructions, not of any public concern, are left out.

These instructions the council earnestly recommend to you, as you would testify your care and affection to the protestant religion, and of the preservation of the honours, lives and fortunes, not only of the present, but of the succeeding generations, and as you would not dissatisfy or disappoint so gracious and so affectionate a king, who, upon all occasions, and especially this, hath evidenced so great a trust in you, and so great solicitude for your safety. Approven at Whitehall, December 10th, 1678.

LAUDERDALE.

Division of the five thousand foot, on the different shires of Scotland.

Reg. 1. Shire of Roxburgh and Selkirk 333 men. Berwick 200. Peebles 66. Dumfries 200. Wigton and Kirkcudbright 200.

Reg. 2. Shire of Edinburgh 200. Haddington

period, and they are set down much in the order of time they fell out. December 17th, 1677, the council order Dr James Lesley principal of Marishal college in Aberdeen, to be seized, and carefully sent into Edinburgh: and, January 3rd, this year, the doctor appears before the council, and is charged 'with writing two missive letters, the one dated the penult day of October, the other the 29th of November last, to the bishop of London, containing many gross lies, aspersions, and misrepresentations of the public affairs of this kingdom, and proceedings of his majesty's privy council, and desiring the bishop to advise his majesty to do things inconsistent with the standing laws of the kingdom. The said doctor did with great remorse acknowledge his folly and error in writing so, and confessed the same was so great a crime that his life was not sufficient to expiate it, and humbly submitted himself to what punishment the council should think fit to inflict. The council declare his place vacant, and fallen into the earl of Marshall's hands, and ordain him upon his knees to crave the council pardon, which he did immediately, heartily and particularly begging his grace the duke of Lauderdale pardon, whom he had so groundlessly and causelessly abused;' and is set at liberty. I know no more of this matter. It seems the doctor had written a little too plainly anent the practices of the duke, and some way or other his letters came to his hands. And however abundance of freedom was used with rela- 1678.

200. Linlithgow 83. Stirling and Clackmannan 166. Lanark 250. Ayr and Renfrew 110.

Reg. 3. Shire of Fife and Kinross 400. Perth 400. More for locality 222.

Reg. 4. Shire of Forfar 249. Kincardine and Marshall 200. Remanent part of Aberdeen and Bamff 264. Localities of Argyle, Dumbarton, and Bute 200.

Reg. 5. Shire of Elgin and Nairn 249. Earl of Seaforth and Lovat's division of Inverness 166. The rest of Ross 100. Sutherland and Caithness 200. Orkney and Zetland 166.

Inde. 4824.

Division [mentioned in his majesty's letter] of five hundred horse on the several shires of Scotland.

Troop 1. The shires of Roxburgh and Selkirk 87. Berwick and Peebles 25. Dumfries 22. Wigton and Stewartry of Kirkcudbright 22.

Troop 2. Shire of Edinburgh, Haddington, and Linlithgow 46. Stirling and Clackmannan 22. Lanark 37.

Troop 3. Shires of Fife and Kinross 44. Perth 44.

Troop 4. Shire of Forfar 25. Kincardine, and earl Marshall's division of Aberdeenshire 18. Rest of Aberdeenshire and Bamffshire 44.

Troop 5. Shire of Elgin, Nairn, Inverness, Ross, Sutherland, and Caithness 66. Ayr and Renfrew 44.

Inde. 496.

The same day, king's letter about the oath, with the tenor thereof.

Right trusty and well beloved, &c. We greet you well. We having, for the security of our ancient kingdom of Scotland, and of the protestant religion therein, ordained you by our letter 26th October last, to draw out five thousand foot, and five hundred horse of our militia forces of that our kingdom, to be trained and disciplined in manner therein exprest; and being desirous that such as are to be employed in that service be in a most sure and special manner obliged to maintain and promote the protestant religion, as well as our royal interest (which two we think inseparably conjoined) it is therefore our will and pleasure, that you give order to our major-general, in our name, to command all our forces, who are to be employed in that part of our militia, besides the oaths of allegiance and supremacy, to exact from all the soldiers, both horse and foot, to be employed under them, the oath in a paper herewith sent, and that not in the ordinary way that such military oaths use to be exacted, by drawing up the troop or company together in a body, but that every soldier, one after another, shall by himself swear the same. And to the effect this may be a general rule over all, we have thought it fit, that our standing forces, both horse and foot, and dragoons already raised, or that before this we have ordered to be raised, do likewise take this oath, and in the same manner that those of our militia are appointed to do, in which you are to give the same order to our major-general; and so we bid you heartily farewell. Given at our court at Whitehall, the tenth day of December 1678, and of our reign the thirtieth year. By his majesty's command,

LAUDERDALE.

Follows the form of the military oath.

I A. B. do swear to be true and faithful to my sovereign lord king Charles, and his lawful successors, and in my station to maintain the present government in church and state, as it is now established by law, and to oppose to my power the damnable priaciple of taking up arms against the king, or these commissionate by him, upon any pretext whatsoever, and to be obedient in all things to his majesty's major-general or commander-in-chief, authorized by his majesty for the time being, and will behave myself obediently to my superior officers, in all that they shall command me for his majesty's service. and I do further swear, that I will be a true, faithful and obedient soldier, every way performing my best endeavours for his majesty's service, obeying all orders, and submitting to all such rules and articles of war, as are or shall be established by his majesty. So help me God.

By his majesty's special command,

LAUDERDALE.

Whitehall, 10th December, 1678.

1678. tion to the duke's administration at London, yet nothing of this nature was let pass here.

Another process, somewhat of the same nature, I find commenced in August this year, against some gentlemen in the south. August 1st, the council being informed of some treasonable expressions uttered by M'Dowal of Garthland, Thomas Hay of Park, M'Dougal of Freugh, John Blair of Dunskey, Mr James Lawrie at Freugh, and of their communing with and resetting Mr John Welsh and others, declared rebels; they order his majesty's advocate to raise dittay against them before the lords of the justiciary. September 11th, I find by the justiciary registers, that the diet is deserted against M'Dowal of Garthland for certain seditious speeches, upon absence of witnesses, who are unlawed. We have heard before, that the same day the council have before them others of these gentlemen, for reset and converse, and we have seen what they did. The process upon seditious speeches is afterwards resumed against Garthland, November 4th, before the justiciary. When his libel is read, bearing, 'That notwithstanding act 3rd, parl. 2d, James I. and the 83rd act, 6th parl. James V. and 134th act, 8th parl. James VI. and 10th act, 10th parl. James VI. and act 2d, sess. 2d, parl. 1st Charles II. against slanderous speeches against his majesty and government: nevertheless William M'Dowal of Garthland did, July 14th, 1678, being Sabbath, say, that the king and the duke of Lauderdale his commissioner were establishing arbitrary government, contrary to the fundamental laws of the land, and that every true-hearted Scotsman was concerned to oppose them. And upon the 21st day of the said month, Mr John Row having preached in his own kirk of Stainykirk, where the said William M'Dowal is heritor and parishioner, against the national and solemn league and covenants, which by the foresaid act were declared null, the said William did declare that the said Mr Row was unworthy to be heard by the people, and that he would hear him no more: therefore,' &c. in common style of libels. The laird of Garthland compeared, and remitted the libel to probation, and nothing being proven, the process is dropped.

Another business of the same nature I find before the council, December *19th*, James Daes of Coldingknows is libelled, 'That having conceived dislike at his majesty's government, he discouraged soldiers from serving him, by saying, he would not desire their employment; and in a public debate he argued against the justice of the laird of Polwart's imprisonment, and said, his majesty had no more power over the persons than over the estates of his subjects, and could not keep in prison above forty-eight hours, without putting to a trial.' The council find the libel proven, and appoint him to crave pardon of the council on his knees. Thus people literally are made offenders for a word.

I shall next take notice of some of the more moderate steps of the council, brought about, generally speaking, as much by interest made with some of them, as by inclination. March 1st, Mr Robert Anderson, cited before them for nonconformity, and, if I mistake it not, though the registers do not bear so much, for preaching at conventicles, is liberate, because they are informed, he is employed by my lord Ruthven when abroad, about some of his affairs: but he is obliged to give bond, upon *penalty of* 2000 merks, to appear *before the council* when called. July 5th, they liberate George M'Kartnie from the tolbooth of Edinburgh, upon bond of 1000 merks to compear when called. And, August 14th, Sir James Stuart late provost of Edinburgh, prisoner in the castle, is ordered to be liberate, by reason of his old age and infirmity, and permitted to go to his own house, under bond of 10,000 merks, to appear when called. August 1st, the council renew their former act, requiring all concerned in the execution of the laws, to take the oath of allegiance, and declaration, and appoint their act to be printed, and sent to all the members of inferior judicatories, town-councils and magistrates, that none neglect the doing of it.

Complaints, it seems, had been made against William Stirling bailie-depute of the regality of Glasgow, as not having done what he might have done for suppressing conventicles. August 14th, he compears

before the council, and alleges he hath but newly entered into that office, and was not well acquainted with the methods of the court. The lords supersede process against him till October next, and require him to be more diligent. I do not find any more complaints against him for remissness this way. But, October 9th, the council cause write a letter to him, that they have declared James Dunlop of Househill incapable of the trust of being baron-bailie, and he is required to continue diligent in that trust, and send in report of his denouncing the persons whose names are sent him, against November next. I find James Dunlop of Househill, formerly fined by the council in 1000 pounds, for his neglect in proceeding against persons guilty of being at conventicles, having applied to the committee for public affairs, and promised in time to come, diligently and vigorously to do his duty, if the council will repone him; they repone him as bailie-depute of the regality of Glasgow, during pleasure, and suspend his fine. This was got done by the interposition of some of his friends; but this gentleman was never acceptable to the archbishop, and episcopal clergy and he continued not long in this office.

It was this summer and harvest that the heats about the indulgence began to come to a greater height than formerly, and that both some ministers and probationers, lately licensed to preach, began a separation upon this score, and some of them likewise took in the paying of the cess laid on by the convention, as we have heard. This is a subject I would willingly pass by in this history, were it not a very considerable part of the lamentable circumstances this poor persecuted, and now divided church was under. I shall only essay to narrate matter of fact, as far as I find it in papers of this time come to my hand, and I heartily wish it may be a beacon to us who come after, to guard against every thing that may, from very small beginnings, issue in a rent and flame, and have consequences worse than I can express. This account I choose to give rather in the words of others than mine own, and I shall begin it with part of a letter writ to me by a private gentleman of piety and very good sense, who had much occasion to be with both sides at this time; and being then but in his youth, was a silent and melancholy observer of what he took to be excesses on both hands. Having desired his accounts of this period, he writes to me as follows. 'The state of presbyterians among themselves, in this period, is very difficult to inquire into, and no less to describe. All I purpose to myself is, if I can any ways confirm the better and more complete descriptions you may have already. The gospel was for some years generally preached in the fields through the south of Scotland, and that with success; God was unquestionably at work upon the hearts of people by the ministry of the word, both in the fields, and in the churches by the indulged, and that both in conversion and edification; and no doubt Satan was busy also sowing his tares, the seeds of dissention and division, which afterwards sprang up. Albeit, even from the very first, not a few of the judicious had their own doubts as to the indulgence, some thinking their way to be a little too submissive, and pliable to such usurpations and encroachments as were daily making; others judged they should have accepted no favour from declared enemies, but what was generally extended to their brethren in the same circumstances with them; others smelled much cunning and craft in the design, and feared the event: some, both of ministers and people, were under those impressions; yet these things made no public different practices, till about this time (1677 and 1678) and people went to field-meetings, and the churches of the indulged, according to their conveniency, without any doubt or scruple. But about this time the zeal and love of many being revived by the preaching of the word, and a considerable accession of great numbers of young people brought in by the gospel, whose zeal and fervour, generally speaking, runs high; the genius of people to me seemed quite to be altered, and from a fearful and discouraged temper, to turn to a high sanguine constitution: no strength of the enemy was then thought upon, no danger was regarded, and little else among some was matter of thought and conversation, but projects of disappointing our enemies' designs against us. The 1678.

1678. zeal and good success of our first reformers, and our more immediate predecessors in the year 1638, was a pleasant subject of discourse, and much admired. Ministers leaving their charges 1662, and people's suffering the curates to be thrust in, and hearing them, was condemned: the king's perjury was much spoke of, and his supremacy, as set up 1669, was reckoned a prodigy of wickedness. The public executions, and the present and former severities, were improven against the government, and some were for running to very great heights. The indulged ministers, upon the account of favours received from bad and bloody rulers, came to be less esteemed; their being at ease when others were in trouble made them envied, and the supposition that they derived what they enjoyed from the supremacy, at least not to have testified against it in strong enough terms, made some directly to set up against and abhor them. But that I may give you some further satisfaction, how it came about, that a people lately so forward to hear the gospel from every honest minister, so much in love with them, so highly esteeming them, yea, bearing so patiently and meekly their sufferings upon that account; by what means, I say, such a temper came to such a height among them, and our divisions with it, you may take the following remarks. Setting aside the divine permission of this for holy and wise ends, and the invisible workings of Satan, the grand enemy of the success of the gospel, and the peace and unity of the church; you will observe, that when the gospel came to be more frequently preached, and people came to seek ministers, the presbyterian ministers had their meetings at Edinburgh, and elsewhere, for unity and discipline, and licensed and ordained young men, and sent them out to the country about, as the people craved; and such who came from the country, took such to preach among them as they were directed to by the ministers; so that for a good many years we had some order among us, and consequently unity kept up, and this was our halcyon hour: but the practice of the indulged ministers was never relished by many of the outed ministers, who yet strove by all means to keep up union with them, and an esteem of them. Our numbers and zeal increasing, together with the enemy's rage and cruelty, every person who was not either acting against them, or suffering by them, was in small esteem. Some beginnings of rents appearing, the meeting of ministers to prevent a breach, did authoritatively enjoin silence upon this head of the indulgence among ministers, and perhaps took young men engaged at their licensing not to speak against the indulged, and began to call some of them to an account for doing so, and were declined by a young man called before them upon this head. I shall make no remarks upon this authoritative way of knocking down divisions, though I have heard some made, far less justify the deed of declining them; but by these, with the enemy's vigilance, our order was broke. It may also be remarked, that many of the most wise, aged, and experienced of the ministry were taken off the field, some by the indulgence, some by age and infirmity, and others by keeping themselves quiet in towns, preaching very seldom and very quietly to some persons of note; so that the preaching of the gospel openly in the fields, which was at this time mostly in repute, and was followed with the greatest numbers, and most zealous of our way, fell, generally speaking, to the youngest, weakest, and unexperienced of the ministry: and it was observable, that where old and experienced ministers did frequently preach in the fields, either in their own charges or elsewhere, there our breaches were not so wide, nor did people run to so great heights; whereas the younger and less experienced ministers, not being aware of the evil of division, and therefore not so careful to avoid the first causes of it, did either mistheat, or too much suffer to be motheaten by the vulgar, the reputation of such who did not follow their way, by putting hard constructions upon their actions in ordinary conversation, and did not know how to cultivate the minds of a good and zealous, though young and weak people: yea, perhaps some might too much cherish some frothy professors, not duly considering the difference betwixt a proselyte to a party, and a true Christian; so

that a hopeful work was much marred, and a promising generation stumbled, and perverted to lengths, from which those whom they most esteemed could hardly ever recover them. And when the humour of many began to take a course this way, some of the ministers did fall in with it, and this way hoped to manage them. Thus indeed, they came to be upon even ground in the people's eye, if not more caressed than the elder and more experienced ministers; but I cannot say they were in case to manage the people, but were forced to go sometimes further than they themselves inclined; and some zealous and forward gentlemen, who had been by the severities of the time forced to a wandering lot, to strengthen themselves, and secure a following, and not a little help forward the zeal and the edge that was upon the spirits of some younger people, and preachers too. And I must add, that though many things were imprudently vented in the sermons of some against the indulged, and upon the controversies of the times, yet these things were neither so frequent, nor so ill cautioned, that one could have expected so bad effects as followed, if that of private conversation had not led the way, and also followed it, betwixt people and ministers, too much flattering one another in their ways, and both of them too much magnifying party work, to the neglect of solid piety and religion. Besides, the truths delivered by ministers in the fields upon quisquous subjects, with no small caution by some, and pretty safely, were heard and taken up by the hearers, according to their humours and opinions, many times far different from, and altogether without the cautions given by the preacher, which either could not, or were not understood by them. Thus not a few were led to act their religious zeal and improvements in knowledge, with relation to the public, in high and warm resentments of the managers and rulers' perjury, usurpations, persecutions, and cruelty, and to reckon violent opposition to these, as the principal duty of the time. This took much with the younger sort; their knowledge being but small, their zeal run high upon these points. The zeal and success of our predecessors was called to mind, and the obligation of our covenants almost only understood of the forcible resistance against wicked and irreconcilable enemies, and the having nothing to do with them either as men or rulers, was reckoned the safest way. Scruples came to be vented against hearing the indulged, and these came to be more and more blamed for taking favours from the enemy, and deserting their brethren: upon which a pamphlet was published for their vindication, in answer to which the "History of the Indulgence" came forth, and replies and duplies. These put the people into whose hands they fell, aloft. The banished ministers and others in Holland, had been very much concerned in our sufferers here; they themselves had been among our first confessors, and consequently were very much esteemed by our persecuted people in Scotland, and in themselves were learned and excellent men, worthy of the highest esteem; and yet it is to be questioned, if all the information they had of the state of things in Scotland, were well founded and vouched. Likewise at this time, many other papers were reprinted, and carefully spread, such as Mr Douglas's coronation sermon, and the oaths the king took, the "Causes of God's Wrath," "Gillespie upon Associations, with his dying Testimony," and these with other concurring circumstances blew our smoke to a flame; and steps of defection since the restoration began to be reckoned up, such as ministers leaving their charges, and forbearing preaching, the hearing the curates, and lastly the indulgence. It was truly grievous to some of us who were silent observers of what passed, to see a young generation endued with a great zeal towards God and his interests, so far led aside in the improvement of it, as very little to know, or seldom to be taught meekness and patience under affliction for Christ's sake, or charity and mutual forbearance in love, yea, in daily conversation, to get these things cast up to them, as tended rather to break their teeth, than to nourish and refresh their weak spirits. And to such a length did these heats come, not only among the younger and more vulgar sort, but even among some of whom better things were expected, that when we were gathered together before Bothwell, there was 1678.

1678. scarce any thing but debates; and some run so high upon public, yea, personal acknowledgments of these steps of defection, as if the doing of it would have effectually brought victory, and the not doing so would be the Achan in our camp; yea, some did not stick to term the famous Mr John Welsh, because of his opposition to this, the Achan among us. By reason of those unhappy jars many deserted us, and many more never joined us.'

This melancholy subject will offer itself again, when I come to give account of the divisions at Bothwell. The account this gentleman gives, who was a sufferer himself, and very much among them, will let the reader into some general view of the breaking out of this lamentable rent this year, among presbyterians.

When the accounts of the unguarded expressions of some probationers in their sermons this summer came to the knowledge of presbyterian ministers, they judged it high time to essay some remedy. Accordingly, a good number, both indulged and not indulged, who had the union of this suffering church very much at heart, met at Edinburgh toward the end of August, where they had well attested informations of the excesses to which some of these young men had run in their discourses to the people. Two of them they conversed with, and endeavoured to make them sensible of the hazard of these courses they were falling into, and how contrary they were unto the engagements they had come under when licensed: but very little ground was gained upon them, and the third declined to converse with them, or subject himself to their advices: whereupon they were remitted to the particular meetings, in the country where they had been licensed. Letters were writ to brethren in these meetings to deal with them, and by all proper means to endeavour timeously to quench this flame that was like to rise; and that some of their number, with those preachers, might be present with them at their next meeting at Edinburgh. A large account of their informations, the pains taken with these young men, and what passed at the meeting, is before me, in a copy of their minutes; but I see no advantage of raking into these burnings any further. Whether there was any posterior meeting at Edinburgh, I have no accounts; but this I know, that the heats continued, yea, rose to greater heights, as we shall hear.

All the account I shall further give of this melancholy subject, is from a letter before me, writ by one minister to another who was present at a meeting of ministers in the west country, upon the same healing design with that at Edinburgh. The letter is dated September 17th, and what it contains relative to this matter follows. 'Having had occasion to be present at the meeting, which I acquainted you with, and the chief design of it being of such necessary and universal concern at this time, I think it my duty to give you some account of what passed at it, to the end both that you may know their sense of the proposal you made, and other matters of fact. The meeting was frequent, and having fallen upon the business of union, they did all testify their earnest and hearty desires after it, looking upon it as matter of sorrow, that former attempts of this kind have not been followed with a wished-for success. They took these rents to be a great advantage to the common enemy, and a token of the Lord's displeasure, that these who are of the same principles in doctrine and discipline, should yet be divided in practice and affection, and every providential emergent should help to the widening of this breach. They all agreed, that the most effectual way to prevent a further rupture, and its lamentable effects, would be to review the former overtures, for ministers' classing and associating themselves, that these, at a general meeting, may be condescended to, and vigorously prosecuted; and that every preacher shall belong to some class, to which he shall be subject and responsible; and that those who are unfixed, and so cannot constantly attend their class or presbytery, may do it ordinarily, or concur in other meetings, as providence shall dispose. And as to the proposal you were pleased to tell me of, in order to communicate to them, of a practical union, by promiscuous preaching, this was likewise made by other brethren pre-

sent, with an intimation it had been unanimously agreed to. To this it was said by the brethren concerned, that such a practice as this must be looked on as a casting them loose from the particular charges they had access to labour in, and a depriving themselves of that liberty of exercising their ministry in the places where they now enjoy it. And as to any agreement to this purpose, formerly made, they expressly deny it in the latitude that is now proposed, but allege it was directly refused, and that with consent; which was attested by witnesses who were present in the last meeting kept on that affair. That the meeting in Edinburgh, December 1677, was only a committee for consideration, and to report overtures to the general meeting of correspondents, whom they were to call upon occasion; but their power was not at all definitive. Nevertheless, they have been, and are ready to supply vacancies within their own precincts, upon the people's desire, and would go a further length, if imposed upon them by the unanimous appointment of their brethren: but they are still of opinion, that the first foundation of unity must be order; and that there is no other way of bringing us to temper of wailing, and warming too much estranged affections, and preventing the like or worse for the future, than that brethren who are moderate and like minded, who, blessed be God, are yet the very far greater and better number, may meet together, and consult upon fit means for so desirable an end; and this they have taken care to signify to their brethren in the east, who had been treating with them, and had been breathing after unity and peace. They likewise complain they are loaded with aspersions by some uncharitable young men in their preaching, and that some things (as is reported) are coming forth against them in print, which they will find themselves constrained to answer for their own vindication, if matters be not taken up by an happy accommodation. And truly, Sir, it is a sad effect of the distance that is betwixt the more sober and judicious, and the want of an actual visible harmony, that some hot young men have presumed to refuse subjection unto ministers. And now, Sir, what shall we run to at last, if such manifest and scandalous schisms be not early prevented, while the promoters are yet but few, and their interest small, and the most godly and judicious of private Christians are grieving to behold them, and longing to see the sparks extinguished?' 1678.

This letter contains further, some hints of a very melancholy disturbance, given by one of those preachers, supported by Robert Hamilton, and some armed men in the parish of Monkland, near Glasgow, upon Sabbath, September 1st, unto the reverend Mr Matthew Selkirk, yet alive, and minister of the gospel at Crichton. Mr Selkirk had been desired by the ministers in and about Glasgow, at the application of that parish, to preach there; and accordingly went out, but was violently hindered, with some circumstances aggravating enough, that there might be room for the other whom Mr Hamilton had brought in with him on Saturday late. I have an attested account of this under the reverend Mr Selkirk's hand, with some hints of the sermon, which he wrote from the preacher's mouth, which sadly discovers the heights the flames were come to. All the objection made against this worthy person was, that in his opinion he favoured the indulged, and yet he had suffered not a little for his adherence to the government and principles of this church, both before and after this. But I have said enough upon this unhappy subject of our rents among ourselves; I heartily wish there never had been any room to speak of it.

Let me end the accounts of this year, with some few more hints, mostly from the registers. When the council are throng in suppressing conventicles, September 12th, the chancellor communicated a letter from the earl of Dundonald to him, dated the 9th, mentioning a scruple proposed by the commissioners of assessment for the shire of Renfrew, anent their taking the declaration, which they conceive relates to burghs, and not to shires. It is ordered to be signified to the earl of Dundonald, that the council take this scruple to be raised in order to retard his majesty's service, the act plainly enough requiring commissioners of assessment to take the allegiance and

1678. declaration; and he is desired forthwith to tender both unto them, and to send the list of the refusers to the council, against the 27th instant. And, next day, they reimpose both of them upon the royal burghs. 'The lords of his majesty's privy council, considering act 5th, sess. 2d, of his majesty's first parliament, and act 2d, sess. 3d, which are to be put in execution by the council, do hereby require the magistrates, counsellors, and clerks of all the royal burghs on the south side of the river Tay, and the burgh of Dundee, at the ensuing election of magistrates, publicly to take the oath of allegiance, and sign the declaration, and that returns be made to the council against November next, with the names of the refusers.'

The laird of Polwart is continued close prisoner in Dumbarton castle; and, October 10th, his lady, dame Margaret Ker, upon her petition to the council, is permitted to wait upon him till November 1st. In November, the prosecution of some indulged ministers in the shire of Renfrew, Mr Patrick Simpson and Mr James Wallace, for their breaking their confinement, is begun. We shall have the issue of it next year.

Upon the 15th of November, I find, the council issue out a proclamation for a fast, to be kept upon the third Wednesday, the 18th of December. The reason of it is, that the king's person and government, and the protestant religion, may be preserved under the hazards they are exposed to from a damnable and hellish plot. There was no doubt a reality in the plot: how heartily that fast was kept by the duke of York's party, I am not to judge.* The council, as a further demonstration of their zeal against the popish plot, how much soever some of them afterwards were pleased to question the reality of it, upon the 28th of November, remit it to the lords register and advocate, to bring in the draught of a congratulatory letter to his majesty, upon his delivery from the late horrid popish plot; and, November 30th, it is approven and despatched to court. The reader will be fond to see the professed sense of our managers, as to that plot, which since has been so much ridiculed, and I have added a copy of it in a note.† With this they write a let-

* "That there was at that time a popish plot, and that there always has been one since the reformation, to support, if not restore the Romish religion in England, scarce any body calls in question. How far the near prospect of a popish successor ripened the hopes and gave new vigour to the designs of that party, and what methods they were then upon to bring these designs about, Coleman's letters alone, without any other concurring evidence, are more than sufficient to put the matter out of doubt. But what superstructures might have been afterwards built upon an unquestionable foundation, and how far some of the witnesses of that plot might come to darken truth by subsequent additions of their own, must be deferred till the great account to be made before a higher tribunal. And, till then, a great part of the popish plot as it was then sworn to, will, in all human probability, lie among the darkest scenes of our English history. However, this is certain, the discovery of the popish plot had great and various effects upon the nation; and it is from this remarkable period of time we may justly reckon a new era in the English account."—Welwood's Memoirs, p. 79. Perhaps the above general account, as given by a very competent judge, is as fair and candid as any that has ever been given by any historian of the time, although Burnet's account, vol. ii. p. 193—233. is by far the fullest and best. The good effects ascribed by Welwood to the popish plot, are three in number:—First, it aroused the people of England from the deep lethargy in which they had been sunk, and led them to entertain serious apprehensions about the safety of the nation and its liberties. Secondly, it tended to unite the two parties of whigs and tories against a common enemy; and, Thirdly, it was the commencement of that more open and violent struggle between the king and the people, which at length issued in the vindication of the national rights at the glorious revolution. "About this time also," observes Welwood, "a certain set of men began a second time to adopt into our religion a *Mahometan principle*, under the names of passive obedience and non-resistance; which, since the time of the impostor that first broached it, has been the means to enslave a great part of the world," p. 80. The sycophantish divines who were the chief promulgators of these doctrines, first under Charles I. and afterwards under the reigns of Charles II. and James II. were *indirectly* and *undesignedly* the means of rousing the dormant spirit of the people of Great Britain; and England at length followed the example which Scotland had for a series of years so nobly displayed.—*Ed.*

† *Council's letter to the king on the popish plot, Nov. 30th, 1678.*

May it please your sacred majesty,

When we remember the confusions in which we were involved before your majesty's happy restoration, the slavery and tyranny from which we were thereby redeemed, your clemency which then covered, and has since prevented so many crimes, the peace that you have procured, the justice which you have so impartially adminis-

ter to the duke of Lauderdale, wherein they glory in this, that no Scotsman is in the least concerned in it, as may be seen in the letter itself, at the foot of the page.* And at this juncture somewhat must be done against papists. November 28th, the council remit to the archbishop of Glasgow, earls of Murray and Linlithgow, bishop of Galloway, lord Halton, Mr Maitland, and Haddo, or any two of them, to inspect the papers of some papists, seized lately by the earl of Murray; and appoint the committee of public affairs to meet to-morrow, and consider the affair of papists. I find no more in the registers as to this matter, save that, December 12th, the council order the magistrates of Edinburgh, next Sabbath, and the following, to make diligent search in Edinburgh, Leith, and Canongate, for houses where papists meet to hear, 1678. and say mass, and to seize the priests, and all they find at the meeting, and imprison them. And at the same diet they write to the steward of Annandale, to cause demolish, destroy, and burn a meeting-house lately erected near Castlemilk, and send in to the council the names of such who caused build it.

At this time a great addition is made to the council. September 16th, by a letter from the king, John lord bishop of Galloway is admitted a counsellor, and added to the committee for public affairs. October 9th, Mr Richard Maitland of Gogar is admitted a counsellor. November 11th, Sir George Mackenzie of Tarbet, and Sir George Gordon of Haddo, are admitted counsellors. November 21st, the marquis

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trate, and the benignity of your temper, we do, with great horror, indignation, and profound amazement, reflect on that execrable and hellish plot against your most sacred person, and having a solemn and public fast, for imploring the protection of almighty God to your sacred person, and that he might be pleased in his infinite goodness to discover and confound all such desperate and damnable conspiracies: we in the next place conceived ourselves obliged to congratulate, in this our humble address, the wonderful deliverance that God has bestowed upon these kingdoms (and us in particular) in securing the protestant and reformed religion, and your majesty's royal person, from such imminent dangers, as might have left us a prey to all that our enemies could have wished, or we could have feared; of which duty we had more early acquitted ourselves, if we had not thought, we were first obliged to try, if by any discovery in this your ancient kingdom, we could have found any in the remotest accession to that villanous guilt, that we might with our congratulations presented you with these hateful traitors as sacrifices: and now, among our other joys, one is, that as yet we can neither by papers nor examinations find, that any of this kingdom have dipped in that execrable and impious conspiracy; nor shall we lessen our endeavours in that research, since we can never be too diligent, in what can never be repaired, if our endeavours should now languish, wishing to have our hands strengthened, and our care directed by your majesty's royal and judicious commands, whose protection is the chief bulwark of the orthodox church. We have sent your majesty for this end, an account of your pious and wise laws made by your royal predecessors against papists; for prosecution whereof in the method your majesty shall prescribe, and for the maintenance of all your majesty's just rights and royal prerogatives, we do for ourselves, offer your majesty our humble and hearty endeavours: and we may assure your majesty, that the far greater part of your subjects here, are content to hazard for the service of God, and your authority, their lives and fortunes, with a zeal that may testify their devotion and loyalty. That God may protect your sacred person, and in your preservation protect this reformed church, shall be the fervent and daily prayers of your majesty's most faithful, most humble, and most obedient subjects and servants.

* *Council's letter to Lauderdale, Nov. 30th, 1678.*

May it please your grace,

We have thought it our duty to congratulate his majesty's happy delivery from that execrable plot, which threatened so imminently the protestant religion, and the peace of those kingdoms: we hope your grace (upon whose conduct and kindness we always rely) will second our letter with these assurances of our loyalty, which your grace knows we will be ready to make good upon all occasions, and to which we think ourselves more especially tied in this conjuncture of affairs, wherein every man finds his own interest and happiness involved in his majesty's preservation. We had not been so late in this duty, if we had not thought it convenient to try if we could have discovered any accession to that design here, and are glad to find, that none of this his majesty's ancient kingdom has been so far deserted by God, or has so far abandoned his own reason (for what we can yet discover) as to conspire against the happiness of his native country, in the person of our incomparable monarch, at whose command his subjects will (we hope) be very ready to hazard all that is dearest to them, and from whom we expect such instructions as may enable us to put his laws and inclinations in execution. We have herewith sent a list of these laws that strike against papists, as to which no man can better satisfy his majesty than yourself, who has had the deserved honour to be so long one of his judges and faithful ministers, and whose fidelity in all that relates to his royal interest is so well known to, may it please your grace, your grace's affectionate friends.

of Montrose is made captain of the
1678. horse-guards. And, December 12th, John Drummond of Lundin is added to the council. A good many of these appeared terwards firm friends to the duke of York, d they got into the highest offices in this ngdom, as we shall hear. And upon the 8th of November, I find a new commission comes down, and is read, to Sir George Mackenzie of Tarbet to be justice-general, and Craigie to be justice-clerk; and the bovesaid lords of the justiciary are continued. I shall not enter on Mr Gideon Penman, late curate at Crichton, his process this year, for being in compact with Satan, and some other plain processes against witches, in the justiciary-registers, these not lying so much in my road. The lords of the justiciary have new and large powers, and are appointed to sit frequently; and, if I mind, they are ordered still to sit the first Monday of every month. Meanwhile, the army are very busy in collecting the cess. The severities of both, with some other things which fell in the beginning of the next year, ripened matters for the rising which was dissipate at Bothwell-bridge, which is the next period of the sufferings of this church, and shall be considered in the third and last book, to which I now come.

END OF VOLUME SECOND.

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